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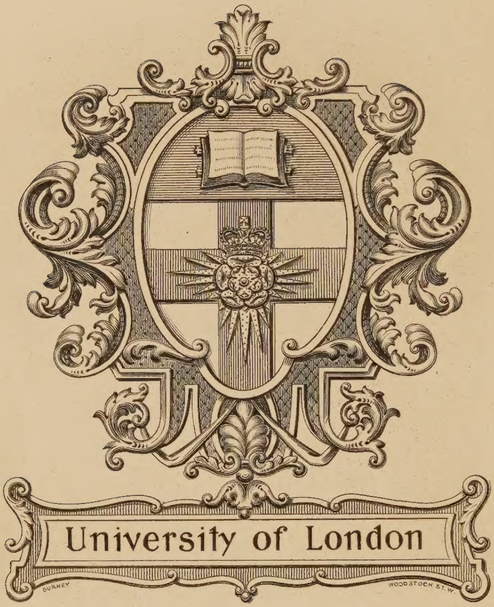
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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

14° VICTORIÆ, 1851.

VOL. CXIV.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF FEBRUARY,

TO

THE FOURTEENTH DAY OF MARCH, 1851.

First Volume of the Session.

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1851.

TABLE OF CONTENTS.

FEBRUARY 14, 1851.

Page
Railways in British North America—Petition *presented* by Lord Monteagle ... 613

FEBRUARY 18.

Agricultural Distress—Statements of the Earl of Hardwicke and several other noble Lords upon presenting a Petition 772

FEBRUARY 20.

The Court of Chancery—Question of Lord Brougham respecting the Office of Vice-Chancellor 835

FEBRUARY 24.

The Ministerial Crisis—Explanation of the Marquess of Lansdowne ... 887
Appointment of a Vice-Chancellor Bill—Read 2^a 890

FEBRUARY 25.

Marriages Bill—*Moved* that the Bill be now read 2^a; objected to: Amendment *moved* (the Archbishop of Canterbury) to leave out ("now") and insert ("this day Six Months"): On Question, that ("now") stand part of the Motion? *Resolved* in *the Negative;* and Bill to be read 2^a on *this Day Six Months* 896

FEBRUARY 28.

The Ministerial Crisis—Statements of the Marquess of Lansdowne, the Earl of Aberdeen, and Lord Stanley 996

MARCH 3.

The Ministerial Crisis—Statement of the Marquess of Lansdowne ... 1064
Papal Aggression—The Ecclesiastical Titles Bill—Petitions *presented* by the Earl of Roden, the Duke of Argyll, Lord Brougham, and the Marquess of Breadalbane 1065

MARCH 4.

Transportation of Convicts—Van Diemen's Land—Petition *presented* by Lord Monteagle 1086

MARCH 6.

The Cape of Good Hope—The Kaffir War—Motion of Lord Monteagle for an Address to Her Majesty for Papers, &c.—Motion *withdrawn* ... 1093
The Income Tax—Resolutions proposed by Lord Brougham 1098

MARCH 7.

County Courts further Extension Bill—*Presented* by Lord Brougham—Read 1^a. 1100

MARCH 10.

Passengers Act Amendment Bill—*Moved* that the Bill be now read 2^a; on Question *Resolved* in the *Affirmative:* Bill read 2^a 1163

MARCH 11.

Papal Aggression—*Presentation* of a Petition by the Earl Fitzwilliam ... 1239

MARCH 13.

Sale of Arsenic Regulation Bill—Read 2^a 1300
Channel Oyster Fishery—Question 1302

MARCH 14.

Sale of Arsenic Regulation Bill—Bill *reported;* and to be read 3^a on Monday, 17th Feb. 1305
The Population Act—The Census—Forms and Instructions *presented* (by Command) 1305
Prevention of Offences Bill—Read 2^a 1310
Passengers Act Amendment Bill—Amendment *reported;* Amendment *moved;* objected to; and on Question, *disagreed to;* Bill to be read 3^a on Monday, 17th Feb. 1312

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

FEBRUARY 4, 1851. *Page*

Address in Answer to the Speech—Motion of the Marquess of Kildare, "That an humble Address be presented to Her Majesty in Answer to the Speech from the Throne"—Motion *agreed to* 52

FEBRUARY 5.

The New Writ for Dungarvan—*Supersedeas* of the Writ *ordered* ... 134
The Lord Lieutenancy of Ireland—Question 136
Fishery of the Blackwater—Question 137
New Forest—Question 137
Adulteration of Coffee—Question 137
John Henry Ley, Esquire, late Clerk of the House—Resolution Acknowledging his Distinguished and Exemplary Services 138
The Houses of Parliament—The Attendance of the Commons on the Queen—Want of Accommodation 143
The Sessional Orders—Public Business—Money Votes—Motion (Mr. Hume), "That no Vote for Money be taken in Committee of Supply after Midnight"—Motion *negatived* 144
Late Sittings—Motion of Mr. Brotherton for the Adjournment of the House at Twelve o'clock at Night precisely—Motion *negatived* 146
The Queen's Speech—Report on the Address *brought up* by the Marquess of Kildare—Address *agreed to* 149

FEBRUARY 6.

Jewish Disabilities—Question 161
Addresses to Her Majesty—Motion of Lord J. Russell with respect to opposed Motions for Addresses to the Crown—Motion *withdrawn* 161

FEBRUARY 7.

Her Majesty's Answer to the Address *reported* 184
Private Business—Counsel to the Speaker—Motion of Mr. W. Patten for a Select Committee to consider Regulations respecting the Private Business of the House—Motion *agreed to* 185
Ecclesiastical Sinecures, &c.—Question 187
Papal Aggression—Ecclesiastical Titles—Motion of Lord J. Russell, "That Leave be given to bring in a Bill to prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom"—Debate *Adjourned* till Monday, February 10 187

FEBRUARY 10.

The East India Company—Question 276
Blockade of San Salvador—Question 277
The Exhibition of 1851 and the Police Force—Question 278
Papal Aggression—Ecclesiastical Titles—Debate *resumed* (Second Night)—Debate *further adjourned* till *Wednesday*, February 12 279
Roman Catholic Relief—Motion of Mr. Anstey for Leave to bring in a Bill to Repeal Penal Enactments—Motion *negatived*—Division Lists ... 362

FEBRUARY 11.

The Cape of Good Hope—Question 370
The Evidence before the Ceylon Committee—Question 371
Extension of the Franchise—Question 373

TABLE OF CONTENTS.

FEBRUARY 11, 1851.

Page

Agricultural Distress—Motion of Mr. Disraeli, "That the severe Distress which continues to exist in the United Kingdom, among that important Class of Her Majesty's Subjects the Owners and Occupiers of Land, and which is justly lamented in Her Majesty's Speech, renders it the Duty of Her Majesty's Ministers to introduce, without delay, such Measures as may be most effectual for the Relief thereof"—Debate *adjourned* till *Thursday*, February 13 ... 374

Sunday Trading Prevention—Motion of Mr. W. Williams, for Leave to bring in a Bill—Motion *agreed to* 450

FEBRUARY 12.

Supply—Exchequer Bills—House in Committee—House resumed ... 450

Papal Aggression—Ecclesiastical Titles—Debate *resumed* (Third Night)—House adjourned without putting the Question—(*Resumed* Friday, Feb. 14)... 451

FEBRUARY 13.

South Staffordshire Railway Extension Bill—Second Reading *postponed* to Thursday, Feb. 20 503

The Riot in Barham Union Workhouse—Question 504

Court of Chancery—Question 507

Irish Courts of Law—Question 508

Agricultural Distress—Debate *resumed* (Second Night)—Motion *negatived*—Division Lists 509

Jesuits—Motion for Returns—Motion *withdrawn* 608

FEBRUARY 14.

Ceylon—Question 626

Limerick Workhouse—Question 627

Sugar Duties—Belgium—Question 628

Papal Aggression—Ecclesiastical Titles—Debate *resumed* (Fourth Night)—Question put—Motion *agreed to*—Division Lists—Bill brought in; and to be read 2° Friday, 28th February 629

FEBRUARY 17.

Ways and Means—House in Committee—Motion of the Chancellor of the Exchequer—The Budget—Committee report Progress; to sit again on *Wednesday* 703

Passengers Act Amendment Bill—Bill read 2ª 768

Valuation (Ireland)—Motion of Sir W. Somerville, for Leave to bring in a Bill—Motion agreed to 771

FEBRUARY 18.

Statistics of Agriculture—Question 816

Poor Law—Motion of Mr. P. Scrope, for a Select Committee—House counted out, and Adjourned 816

FEBRUARY 19.

The Window Tax—Rule for Petitions—Presentation of an Informal Petition ... 820

Compound Householders Bill—Motion for the Second Reading—Amendment moved—Amendment *withdrawn*—Bill read 2°, and *committed* for *Wednesday*, 12th March 820

Expenses of Prosecutions—Motion of Sir G. Grey, for Leave to bring in a Bill—Motion agreed to 825

Smithfield Market Removal—Motion of Sir G. Grey, for Leave to bring in a Bill—Motion agreed to 829

FEBRUARY 20.

Metropolis Water Bills—Motion of Sir G. Grey, for an Instruction to the Committee of Selection—Instruction *ordered* 840

Explanation—Petitions—Question and Explanation of Viscount Duncan relating to a Petition presented by him from Bath 842

Law of Partnership—Motion of Mr. Slaney, for a Select Committee to Consider the Law of Partnership—Motion *agreed to* 842

FEBRUARY 20, 1851.

Page
County Franchise—Motion of Mr. Locke King, for Leave to bring in a Bill to make the Franchise in Counties the same as that in Boroughs—Motion *agreed to*—Division Lists 850
Civil Bills, &c. (Ireland)—Motion of Mr. Hatchell, for Leave to bring in a Bill to Amend the Laws relating to—Motion *agreed to* 871
Passengers Act Amendment Bill—*Considered* in Committee, and *reported* 872

FEBRUARY 21.

Barham Union Workhouse Disturbances—Question 873
Vagrancy—Question 874
The Proposed House Tax—The Franchise—Question 874
St. Andrew's Church, Marylebone—Question of Sir B. Hall, and Answer of Lord John Russell 875
The Hungarian Refugees—Question 885
Ways and Means—Order of the Day read for the House going into a Committee —Motion of Lord John Russell, "That the Order of the Day be Postponed till Monday next"—Committee *deferred* till *Monday*, Feb. 24 887

FEBRUARY 24.

The Ministerial Crisis—Explanation—Ways and Means—Order of the Day read for the House to be put into Committee—Motion of Lord J. Russell, "That the Order of the Day be Adjourned till Friday next"—Committee *deferred* till *Friday*, Feb. 28 892

FEBRUARY 28.

The Ministerial Crisis—Explanations—Ecclesiastical Titles Assumption Bill—Motion of Lord John Russell to Postpone the Order of the Day for the Second Reading—Motion *agreed to*—Second Reading *deferred* till *Monday*, March 3. 1029

MARCH 3.

The Ministerial Crisis—Ecclesiastical Titles Assumption Bill—Motion of Lord John Russell to Postpone the Order of the Day for the Second Reading—Motion *agreed to*—Second Reading *deferred* till *Friday*, March 7 ... 1074
New Places and Appointments—Motion for Returns 1085

MARCH 7.

Copper Miners in England Company's Bill—Motion, "That the Bill be now read a Second Time"—Amendment proposed, "Upon this day Six Months"—Amendment *negatived*—Main Question put, and *agreed to*—Bill read 2° ... 1119
Cape of Good Hope—The Kaffir War—Question 1121
Public Business—Statement of Lord John Russell 1122
Ecclesiastical Titles Assumption Bill—Second Reading *deferred* till *Friday*, 14th March 1123
Appointment of a Vice-Chancellor Bill—Read 2° 1162
Mercantile Marine Bill—Question 1166
Cape of Good Hope—The Kaffir War—Statement of Lord John Russell ... 1167
Importation of Irish Paupers—Overcrowding of Steam Boats—Question ... 1176
Metropolitan Commission of Sewers—Question 1178
Ecclesiastical Preferments—Question 1179
Orange Addresses—Question 1180
Affairs of Ceylon—Question 1182
Supply—Navy Estimates [presented 17th February] *referred*—House in Committee—House resumed—Committee to sit again on Wednesday, March 12... 1183

MARCH 11.

The Interment Bill—Question 1241
Woods and Forests—Motion of Viscount Duncan, "That the Gross Income derived from the Woods and Forests should hereafter be Paid into the Exchequer, and that the necessary Expenses for Collecting and Managing the same should be Voted by the House upon Estimates annually submitted by Her Majesty's Government"—Amendment proposed by Lord Seymour—Main Question put, and *agreed to*—Division Lists 1242

MARCH 11, 1851. Page
Supply—Navy Estimates—Resolution *reported* 1267

MARCH 12.
County Rates and Expenditure Bill—Motion made, "That the Bill be now read a Second Time"—Amendment proposed, "Upon this day Six Months"—Amendment *withdrawn*—Main Question put, and *agreed to*—Bill read 2° ... 1268
Expenses of Prosecutions Bill—Read 2° 1293
Apprentices and Servants Bill—Read 2° 1297

MARCH 14.
Caledonian Railway Bill—Motion made, "That the Bill be now read a Second Time"—Amendment proposed, "Upon this day Six Months"—Main Question put, and *agreed to*—Bill read 2° 1312
The Census—Question 1316
The Danubian Provinces—The Hungarian Refugees—Question ... 1317
Business of the House—Questions 1318
Ecclesiastical Titles Assumption Bill—Motion made, "That the Bill be now read a Second Time"—Amendment proposed, "Upon this day Six Months"—Debate *adjourned* till *Monday*, March 17 1323

III. LIST OF DIVISIONS.

The Ayes and the Noes on Mr. Anstey's Motion for Leave to bring in a Bill for the Relief of Penal Enactments against the Roman Catholics ... 363

The Ayes and the Noes on the Motion of Mr. Disraeli, "That that Portion of the Queen's Speech relating to Agricultural Distress be considered" ... 604

The Ayes and the Noes on the Motion of Lord J. Russell for Leave to bring in a Bill "To prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom" 699

The Ayes and the Noes on Mr. Locke King's Motion to bring in a Bill "To make the Franchise in Counties in England and Wales the same as that in Boroughs," &c. 870

The Contents and the Not-Contents on the Amendment of the Archbishop of Canterbury, "That the Marriages Bill be read a Second Time this day Six Months" 995

The Ayes and the Noes on the Motion of Viscount Duncan, respecting the Revenues derived from the Woods and Forests 1266

THE MINISTRY.

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Chancellor of the Exchequer	Right Hon. Sir Charles Wood, Bt.
President of the Council	Most Hon. Marquess of Lansdowne.
Privy Seal	Right Hon. Earl of Minto.
Home Secretary	Right Hon. Sir George Grey, Bt.
Foreign Secretary	Right Hon. Viscount Palmerston.
Colonial Secretary	Right Hon. Earl Grey.
First Lord of the Admiralty	Right Hon. Sir Francis Thornhill Baring, Bt.
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President of the Board of Trade	Right Hon. Henry Labouchere.
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Lord Chamberlain	Most Hon. Marquess of Breadalbane.
Master of the Horse	Duke of Norfolk.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Vice-Chamberlain	Right Hon. Lord Edward Howard.
Treasurer of the Household	Right Hon. Lord Arthur Marcus Cecil Hill.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Duchess of Sutherland.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

In the *Fourth Session* of the *Fifteenth Parliament* of the United Kingdom of *Great Britain* and *Ireland*.

14° VICTORIÆ, 1851.

His Royal Highness The Prince of Wales.
His Royal Highness Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)
His Royal Highness George William Frederick Charles Duke of Cambridge.
John Bird Archbishop of Canterbury.
Thomas Lord Truro, *Lord Chancellor.*
Thomas Archbishop of York.
Richard Archbishop of Dublin.
Henry Marquess of Lansdowne, *Lord President of the Council.*
Gilbert Earl of Minto, *Lord Privy Seal.*

Henry Charles Duke of Norfolk, *Earl Marshal of England.*
Edward Adolphus Duke of Somerset.
Charles Duke of Richmond.
Henry Duke of Grafton.
Henry Duke of Beaufort.
William Amelius Aubrey de Vere Duke of Saint Albans.
Francis Godolphin D'Arcy Duke of Leeds.
Francis Duke of Bedford.
William Spencer Duke of Devonshire.
George Duke of Marlborough.
John Henry Duke of Rutland.
Alexander Duke of Brandon. (*Duke of Hamilton.*)
William Henry Cavendish Duke of Portland.
George Duke of Manchester.
Henry Pelham Duke of Newcastle.
Algernon Duke of Northumberland.
Arthur Duke of Wellington.
Richard Plantagenet, Duke of Buckingham and Chandos.
George Granville Duke of Sutherland.
Henry Duke of Cleveland.

Richard Marquess of Westminster. *Lord Steward of the Household.*
John Marquess of Breadalbane, *Lord Chamberlain of the Household.*
John Marquess of Winchester.
George Marquess of Tweeddale. (*Elected for Scotland.*)
Henry Marquess of Lansdowne. (*In another place as Lord President of the Council.*)
George Ferrars Marquess Townshend.
James Brownlow William Marquess of Salisbury.
John Alexander Marquess of Bath.
James Marquess of Abercorn.
Richard Marquess of Hertford.
John Patrick Marquess of Bute.
Brownlow Marquess of Exeter.
Charles Marquess of Northampton.
George Charles Marquess Camden.
Henry William Marquess of Anglesey.
George Horatio Marquess of Cholmondeley.
Henry Weysford Charles Plantagenet Marquess of Hastings.
Charles Marquess of Ailesbury.

George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)

Frederick William Marquess of Bristol.

Archibald Marquess of Ailsa.

John Marquess of Breadalbane. (*In another place as Lord Chamberlain of the Household.*)

Richard Marquess of Westminster. (*In another place as Lord Steward of the Household.*)

Constantine Henry Marquess of Normanby.

James Andrew Marquess of Dalhousie.

John Earl of Shrewsbury.

Edward Earl of Derby.

Francis Theophilus Henry Earl of Huntingdon.

Robert Henry Earl of Pembroke and Montgomery.

William Earl of Devon.

Thomas Earl of Suffolk and Berkshire.

William Basil Percy Earl of Denbigh.

John Earl of Westmoreland.

George Augustus Frederick Albemarle Earl of Lindsey.

George Harry Earl of Stamford and Warrington.

George William Earl of Winchilsea and Nottingham.

George Earl of Chesterfield.

John William Earl of Sandwich.

Arthur Algernon Earl of Essex.

James Thomas Earl of Cardigan.

George William Frederick Earl of Carlisle.

Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)

Cropley Earl of Shaftesbury.

——— Earl of Berkeley.

Montagu Earl of Abingdon.

John Savile Earl of Scarborough.

Augustus Frederick Earl of Albemarle.

George William Earl of Coventry.

George Earl of Jersey.

John Earl Poulett.

George Sholto Earl of Morton. (*Elected for Scotland.*)

Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)

David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)

David Earl of Leven and Melville. (*Elected for Scotland.*)

Dunbar James Earl of Selkirk. (*Elected for Scotland.*)

Thomas John Earl of Orkney. (*Elected for Scotland.*)

Francis William Earl of Seafield. (*Elected for Scotland.*)

Alfred Earl of Oxford and Earl Mortimer.

Washington Sewallis Earl Ferrers.

William Earl of Dartmouth.

Charles Augustus Earl of Tankerville.

Heneage Earl of Aylesford.

George Augustus Earl Cowper.

Philip Henry Earl Stanhope.

Robert Earl of Harborough.

Thomas Augustus Wolstenholme Earl of Macclesfield.

George William Richard Earl of Pomfret.

James Earl Graham. (*Duke of Montrose.*)

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Henry Richard Earl Brooke and Earl of Warwick.

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James Earl Cornwallis.

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Henry Stephen Earl of Ilchester.

George John Earl De Lawarr.

William Earl of Radnor.

Frederick Earl Spencer.

Henry George Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

Henry John Earl Talbot.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*) (*In another place as Lord Glenlyon.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

Edward Earl of Digby.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

Charles Cecil Cope Earl of Liverpool.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

James Earl of Bandon. (*Elected for Ireland.*)

James Dupré Earl of Caledon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles William Earl of Charleville. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Earl of Harewood.

Gilbert Earl of Minto. (*In another place as Lord Privy Seal.*)

Charles Murray Earl Cathcart.

James Walter Earl of Verulam.

John Earl Brownlow.

Edward Granville Earl of Saint Germans.

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

John Reginald Earl Beauchamp.

Richard Earl of Glengall. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

George Henry Earl of Falmouth.

Richard William Penn Earl Howe.

John Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

Charles William Earl Vane. (*Marquess of Londonderry.*)

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

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William Earl of Burlington.

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George Frederick D'Arcy Earl of Durham.

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Thomas William Earl of Leicester.

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Thomas Earl of Zetland.

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William Fitzhardinge Earl Fitzhardinge.

Edward Earl of Ellenborough.

Francis Earl of Ellesmere.

John Earl of Strafford.

Charles Christopher Earl of Cottenham.

Robert Viscount Hereford.

James Viscount Strathallan. (*Elected for Scotland.*)

Henry Viscount Bolingbroke and St. John.

George Viscount Torrington.

Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)

Henry Viscount Maynard.

John Robert Viscount Sidney.
Francis Wheler Viscount Hood.
John Viscount De Vesci. (*Elected for Ireland.*)
Hayes Viscount Doneraile. (*Elected for Ireland.*)
Cornwallis Viscount Hawarden. (*Elected for Ireland.*)
John Bruce Richard Viscount O'Neill. (*Elected for Ireland.*)
Edward Jervis Viscount St. Vincent.
Robert Viscount Melville.
William Leonard Viscount Sidmouth.
Robert Edward Viscount Lorton. (*Elected for Ireland.*)
George Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
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William Carr Viscount Beresford.
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Stapleton Viscount Combermere.
Charles John Viscount Canning.
Charles John Viscount Canterbury.
John Viscount Ponsonby.
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Henry Viscount Hardinge.
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John Bishop of Lincoln.
Christopher Bishop of Bangor.
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Charles Lord Stourton.
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Henry Lord Paget.
St. Andrew Beauchamp Lord St. John of Bletso.
Charles Augustus Lord Howard de Walden.
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Joseph Thaddeus Lord Dormer.
George Henry Lord Teynham.
George William Lord Stafford.
George Anson Lord Byron.
William Lord Ward.
Hugh Charles Lord Clifford of Chudleigh.
Alexander George Lord Saltoun. (*Elected for Scotland.*)
John Lord Gray. (*Elected for Scotland.*)
Charles Lord Sinclair. (*Elected for Scotland.*)
John Lord Elphinstone. (*Elected for Scotland.*)
Charles Lord Blantyre. (*Elected for Scotland.*)
John Lord Rollo. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Edmund Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Digby Lord Middleton.

William John Lord Monson.

Henry Lord Montfort.

George William Frederick Lord Bruce.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

George John Lord Sondes.

Nathaniel Lord Scarsdale.

George Lord Boston.

Henry Edward Lord Holland.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

George John Lord Vernon.

George Douglas Lord Sundridge. (*Duke of Argyll.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Talbot Lord Dynevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

Henry Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Edward Lord Suffield.

Guy Lord Dorchester.

George Lord Kenyon.

Richard Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

James Lord Douglas of Douglas.

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland.

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

Francis Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James Thomas Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

George Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

John Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

John Lord Fitzgibbon. (*Earl of Clare.*)

Randal Edward Lord Dunsany. (*Elected for Ireland.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Henry Lord Dunalley. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Loftus Lord Loftus. (*Marquess of Ely.*)

John Lord Carysfort. (*Earl of Carysfort.*)

Richard Pepper Lord Alvanley.

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Arthur Moyses William Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

David Montagu Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

Archibald William Lord Ardrossan. (*Earl of Eglintoun.*)

James Lord Lauderdale. (*Earl of Lauderdale.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Richard Lord Castlemaine. (*Elected for Ireland.*)

George Lord Meldrum. (*Marquess of Huntly.*)

James Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Henry Tennison Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

Frederic James Lord Melbourne. (*In another place as Lord Beauvale.*) (*Viscount Melbourne.*)

George Francis Robert Lord Harris.

Charles Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

John Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

Robert Lord Kingston. (*Earl of Kingston.*)

Edward Michael Lord Silchester. (*Earl of Longford.*)

George Augustus Federick John Lord Glenlyon. (*In another place as Earl Strange.*) (*Duke of Athol.*)

William Lord Maryborough. (*Earl of Mornington.*)

John Lord Oriel. (*Viscount Massareene.*)

Thomas Henry Lord Ravensworth.

Thomas Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Ulysses Lord Downes. (*Elected for Ireland.*)

Nicholas Lord Bexley.

Robert Francis Lord Gifford.

Percy Clinton Sydney Lord Penshurst. (*Viscount Strangford.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

John Lord Wharncliffe.

William Lord Feversham.

John Singleton Lord Lyndhurst.

James Lord Fife. (*Earl of Fife.*)

John Henry Lord Tenterden.

William Conyngham Lord Plunket.

Thomas Lord Melros. (*Earl of Haddington.*)

Henry Richard Charles Lord Cowley.

William Lord Heytesbury.

Archibald John Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Samuel Lord Wynford.

Henry Lord Brougham and Vaux.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

Charles William Lord Sefton. (*Earl of Sefton.*)

Nathaniel Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

John Chambre Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomery Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

William Lord Panmure.

George Warwick Lord Poltimore.

Edward Price Lord Mostyn.

Henry Spencer Lord Templemore.

William Lewis Lord Dinorben.

Valentine Browne Lord Cloncurry.

James Lord De Saumarez.

George Godolphin Lord Godolphin.

Lucius Lord Hunsdon. (*Viscount Falkland.*)

Edward Geoffrey Lord Stanley.

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Charles Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

Archibald Lord Worlingham. (*In another place as Lord Acheson.*) (*Earl of Gosford.*)

Henry Lord Langdale.

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

Cornelius Lord Lismore. (*Viscount Lismore.*)

Henry Robert Lord Rossmore.

Robert Shapland Lord Carew.

William Francis Spencer Lord De Mauley.

John Lord Wrottesley.

Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Frederic James Lord Beauvale. (*In another place as Lord Melbourne.*) (*Viscount Melbourne.*)

Edward John Lord Stanley of Alderley. (*In another place as Lord Eddisbury.*)

Henry Villiers Lord Stuart de Decies.

William Henry Lord Leigh.

Paul Beilby Lord Wenlock.

Charles Lord Lurgan.

Nicholas William Lord Colborne.

Arthur Lord De Freyne.

James Lord Dunfermline.

Thomas Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell.

John Lord Oxenfoord. (*Earl of Stair.*)

Valentine Lord Kenmare. (*Earl of Kenmare.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Archibald Lord Acheson. (*In another place as Lord Worlingham.*) (*Earl of Gosford.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

Richard Bulkeley Philipps Lord Milford.

Edward John Lord Eddisbury. (*In another place as Lord Stanley of Alderley.*)

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

Albert Denison Lord Londesborough.

Samuel Lord Overstone.

Thomas Lord Truro. (*In another place as Lord Chancellor.*)

Robert Monsey Lord Cranworth.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO THE *FIFTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND*. AMENDED TO THE OPENING OF THE FOURTH SESSION ON THE 4TH DAY OF FEBRUARY, 1851.

ABINGDON.
Sir Frederic Thesiger, knt.

ANDOVER.
Henry Beaumont Coles,
William Cubitt.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Hon. Henry Granville (Fitzalan Howard) Earl of Arundel and Surrey.

ASHBURTON.
Thomas Matheson.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
Quintin Dick,
Frederick Calvert.

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Richard Bremridge,
Hon. John William Fortescue.

BATH.
Hon. Anthony (Ashley Cooper) Lord Ashley,
Hon. Adam (Duncan) Viscount Duncan.

BEAUMARIS.
Hon. (George Augustus Frederick Paget) Lord G. A. F. Paget.

BEDFORDSHIRE.
Francis Charles Hastings Russell.

BEDFORD.
Sir Harry Verney, bt.,
Henry Stuart.

BERKSHIRE.
Robert Palmer,
Rt. hon. William (Keppel) Viscount Barrington,
Philip Pusey.

BERWICK-UPON-TWEED.
Matthew Forster,
John Campbell Renton.

BEVERLEY.
John Towneley,
Sackville Walter Lane Fox.

BEWDLEY.
Hon. William Drogo (Montague) Viscount Mandeville.

BIRMINGHAM.
George Frederick Muntz,
William Scholefield.

BLACKBURN.
John Hornby,
James Pilkington.

BODMIN.
James Wyld,
Henry Charles Lacy

BOLTON-LE-MOORS.
Stephen Blair.
Sir Joshua Walmsley, knt.

BOSTON.
Hon. Dudley Anderson Pelham,
Benjamin Bond Cabbell.

BRADFORD.
William Busfeild,
Thomas Perronet Thompson.

BRECKNOCKSHIRE.
Joseph Bailey.

BRECON.
John Lloyd Vaughan Watkins.

BRIDGENORTH.
Thomas Charlton Whitmore,
Sir Robert Pigot, bt.

BRIDGEWATER.
Charles John Kemys Tynte,
Henry Broadwood.

BRIDPORT.
Alexander Dundas Ross Wishart Baillie Cochrane,
Thomas Alexander Mitchell.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.
Hon. (Alfred Hervey) Lord A. Hervey.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
Philip William Skynner Miles.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Hon. Charles Compton Cavendish,
Benjamin Disraeli.

BUCKINGHAM.
Hon. Richard Plantagenet Campbell (Chandos-Grenville) Marquess of Chandos,
John Hall.

BURY.
Richard Walker.

BURY ST. EDMUND'S.
Rt. hon. Frederick William (Hervey) Earl Jermyn,
Edward Herbert Bunbury.

CALNE.
Hon. Henry Petty (Fitzmaurice) Earl of Shelburne.

CAMBRIDGESHIRE.
Hon. Eliot Thomas Yorke,
Richard Greaves Townley,
Hon. (George John Manners) Lord G. J. Manners.

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram.
Rt. hon. Henry Goulburn.

CAMBRIDGE.
Robert Alexander Shafto Adair,
Hon. William Frederick Campbell.

CANTERBURY.
Frederick Romilly,
Hon. George Augustus Frederick Percy Sydney Smythe.

CARDIFF.
Rt. hon. John Nicholl.

CARDIGANSHIRE.
William Edward Powell.

CARDIGAN.
Pryse Loveden

CARLISLE.
William Nicholson Hodgson,
Philip Henry Howard.

CARMARTHENSHIRE.
Hon. George Rice Rice Trevor,
David Arthur Saunders Davies.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Rt. hon. George Stevens (Byng) Viscount Enfield.

CHELTENHAM.
Charles Lennox Grenville Berkeley.

CHESHIRE.
(Northern Division.)
William Tatton Egerton,
George Cornwall Legh.

(Southern Division.)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Hon. William Owen Stanley.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
Hon. Edward Alfred John Harris.

CIRENCESTER.
John Randolph Mullings,
Hon. George Augustus Frederick (Villiers) Viscount Villiers.

CLITHEROE.
Matthew Wilson.

COCKERMOUTH.
Henry Aglionby Aglionby,
Edward Horsman.

COLCHESTER.
Hon. (John James Robert Manners) Lord J. J. R. Manners,
Joseph Alfred Hardcastle.

CORNWALL.
(Eastern Division.)
William Henry Pole Carew,
Thomas James Agar Robartes.

(Western Division.)
Edward William Wynne Pendarves,
Sir Charles Lemon, bt.

COVENTRY.
Rt. hon. Edward Ellice,
George James Turner.

CRICKLADE.
John Neeld,
Ambrose Lethbridge Goddard.

CUMBERLAND.
(Eastern Division.)
Hon. Charles Wentworth George Howard,
William Marshall.

(Western Division.)
Edward Stanley,
Henry Lowther.

DARTMOUTH.
George Moffatt.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt,
Hon. William Bagot.

DENBIGH.
Frederick Richard West.

DERBYSHIRE.
(Northern Division.)
Hon. George Henry Cavendish,
William Evans.

(Southern Division.)
William Mundy,
Charles Robert Colville.

DERBY.
Michael Thomas Bass,
Lawrence Heyworth.

DEVIZES.
George Heneage Walker Heneage,
James Bucknall Bucknall Estcourt.

DEVONPORT.
Rt. hon. Henry Tufnell,
Sir John Romilly, knt.

DEVONSHIRE.
(Northern Division.)
Sir Thomas Dyke Acland, bt.,
Lewis William Buck.

(Southern Division.)
Sir John Buller Yarde Buller, bt.,
Sir Ralph Lopes, bt.

DORCHESTER.
Rt. hon. George Lionel Dawson Damer,
Henry Gerard Sturt.

DORSETSHIRE.
George Bankes,
Henry Ker Seymer,
John Floyer.

DOVOR.
Edward Royd Rice,
Rt. hon. Sir George Clerk, bt.

DROITWICH.
Sir John Somerset Pakington, bt.

DUDLEY.
John Benbow.

DURHAM.
(Northern Division.)
Robert Duncombe Shafto,
Hon. George Henry Robert Charles (Vane) Viscount Seaham.

(Southern Division.)
Hon. (Harry George Vane) Lord H. G. Vane,
James Farrer.

DURHAM (CITY).
Thomas Colpitts Granger,
Henry John Spearman.

ESSEX.
(Northern Division.)
Sir John Tyssen Tyrell, bt.,
William Beresford.

(Southern Division.)
Thomas William Bramston,
Sir Edward North Buxton, bt.

EVESHAM.
Rt. hon. (Arthur Marcus Cecil Hill), Lord A. M. C. Hill,
Sir Henry Pollard Willoughby, bt.

EXETER.
Sir John Thomas Buller Duckworth, bt.,
Edward Divett.

EYE.
Sir Edward Kerrison, bt.

FINSBURY.
Thomas Wakley,
Thomas Slingsby Duncombe.

FLINTSHIRE.
Hon. Edward Mostyn Lloyd Mostyn.

FLINT.
Sir John Hanmer, bt.

FROME.
Hon. Robert Edward Boyle.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Rt. Hon. Earl of Dunraven,
Christopher Rice Mansel Talbot.

GLOUCESTERSHIRE.
(Eastern Division.)
Christopher William Codrington,
Hon. Henry Charles Fitzroy (Somerset) Marquess of Worcester.

(Western Division.)
Robert Blagden Hale,
Hon. George Charles Grantley Fitzhardinge Berkeley.

GLOUCESTER.
Henry Thomas Hope,
Hon. Maurice Frederick Fitzhardinge Berkeley.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
James Whitley Deans Dundas,
Edward George Barnard.

GRIMSBY (GREAT).
Edward Heneage.

GUILDFORD.
Henry Currie,
Ross Donnelly Mangles.

HALIFAX.
Henry Edwards,
Rt. hon. Sir Charles Wood, bt.

HAMPSHIRE.
(Northern Division.)
Rt. hon. Charles Shaw Lefevre,
Melville Portal.

(Southern Division.)
Hon. (Charles Wellesley) Lord C. Wellesley,
Henry Combe Compton.

HARWICH.
John Bagshaw,
Rt. hon. Sir John Cam Hobhouse, bt.

HASTINGS.
Robert Hollond,
Musgrave Briscoe.

HAVERFORDWEST.
John Evans.

HELSTON.
Sir Richard Rawlinson Vyvyan, bt.

HEREFORDSHIRE.
Thomas William Booker,
Francis Richard Haggitt Wegg Prosser,
George Cornewall Lewis.

HEREFORD.
Sir Robert Price, bt.,
Henry Morgan Clifford.

HERTFORDSHIRE.
Sir Henry Meux, bt.,
Thomas Plumer Halsey,
Thomas Brand.

HERTFORD.
Hon. Philip Henry (Stanhope) Viscount Mahon,
Hon. William Francis Cowper.

HONITON.
Joseph Locke,
Sir James Weir Hogg, bt.

HORSHAM.
Hon. (Edward Howard) Lord E. Howard.

HUDDERSFIELD.
William Rookes Crompton Stansfield.

HUNTINGDONSHIRE.
Edward Fellowes,
George Thornhill.

HUNTINGDON.
Jonathan Peel,
Thomas Baring.

HYTHE.
Edward Drake Brockman.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)
John Pemberton Plumptre,
William Deedes.

(Western Division.)
Sir Edmund Filmer, bt.,
Thomas Law Hodges.

KIDDERMINSTER
John Best.

KING'S LYNN.
Hon. Edward Henry Stanley,
Hon. Robert (Jocelyn) Viscount Jocelyn.

KINGSTON-UPON-HULL.
James Clay,
Right hon. Matthew Talbot Baines.

KNARESBOROUGH.
Hon. William Saunders Sebright Lascelles,
Joshua Proctor Westhead.

LAMBETH.
William Williams,
Rt. hon. Charles Tennyson D'Eyncourt.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
James Heywood.

(Southern Division.)
William Brown,
Alexander Henry.

LANCASTER.
Robert Baynes Armstrong,
Thomas Greene.

LAUNCESTON.
William Bowles.

LEEDS.
William Beckett,
James Garth Marshall.

LEICESTERSHIRE.
(Northern Division.)
Hon. (Charles Henry Somerset Manners) Lord C. H. S. Manners,
Edward Basil Farnham.

(Southern Division.)
Sir Henry Halford, bt.,
Charles William Packe.

LEICESTER.
Richard Harris,
John Ellis.

LEOMINSTER.
George Arkwright,
Frederick Peel.

LEWES.
Hon. Henry Fitzroy,
Robert Perfect.

LICHFIELD.
Hon. (Alfred Henry Paget) Lord A. H. Paget,
Hon. Thomas William (Anson) Viscount Anson.

LINCOLNSHIRE.
(Parts of Lindsey.)
Robert Adam Christopher,
Sir Montague John Cholmeley, bt.

(Parts of Kesteven and Holland.)
Hon. William Alleyne (Cecil) Lord Burghley,
Sir John Trollope, bt.

LINCOLN.
Charles De Laet Waldo Sibthorp,
Thomas Benjamin Hobhouse.

LISKEARD.
Richard Budden Crowder.

LIVERPOOL.
Edward Cardwell,
Sir Thomas Bernard Birch, bt.

LONDON.
Rt. hon. (John Russell) Lord J. Russell,
Sir James Duke, bt.,
Lionel Nathan (Baron) De Rothschild,
John Masterman.

LUDLOW.
Henry Bayley Clive,
Henry Salwey.

LYME REGIS.
Thomas Neville Abdy.

LYMINGTON.
John Hutchins,
William Alexander Mackinnon.

MACCLESFIELD.
John Brocklehurst, jun.,
John Williams.

MAIDSTONE.
Alexander James Beresford Hope,
George Dodd.

MALDON.
David Waddington,
Thomas Barrett Lennard.

MALMESBURY.
Hon. James Kenneth Howard.

MALTON.
John Walbanke Childers,
John Evelyn Denison.

MANCHESTER.
Rt. hon. Thomas Milner Gibson,
John Bright.

MARLBOROUGH.
Hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
Hon. (Dudley Coutts Stuart) Lord D. C. Stuart,
Sir Benjamin Hall, bt.

MERIONETHSHIRE.
Richard Richards.

MERTHYR TYDVIL.
Sir Josiah John Guest, bt.

MIDDLESEX.
Rt. hon. (Robert Grosvenor) Lord R. Grosvenor,
Ralph Bernal Osborne.

MIDHURST.
Spencer Horatio Walpole.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Edward Arthur Somerset.

MONMOUTH.
Reginald James Blewitt.

MONTGOMERYSHIRE.
Herbert Watkins Williams Wynn.

MONTGOMERY.
David Pugh.

MORPETH.
Hon. Edward George Granville Howard.

NEWARK-UPON-TRENT.
Hon. John Henry Thomas Manners Sutton,
John Stuart.

NEWCASTLE-UNDER-LYME.
Samuel Christy,
William Jackson.

NEWCASTLE-UPON-TYNE.
William Ord,
Thomas Emerson Headlam.

NEWPORT.
William Henry Chicheley Plowden,
Charles Wykeham Martin.

NORFOLK.
(Eastern Division.)
Henry Negus Burroughes,
Edmund Wodehouse.

(Western Division.)
William Bagge,
Hon. Edward Keppell Wentworth Coke.

NORTHALLERTON.
William Battye Wrightson.

NORTHAMPTONSHIRE.
(Northern Division.)
Thomas Philip Maunsell,
Stafford Augustus O'Brien Stafford.

(Southern Division.)
Sir Charles Knightley, bt.,
Richard Henry Richard Howard Vyse.

NORTHAMPTON.
Raikes Currie,
Rt. Hon. Robert Vernon Smith.

NORTHUMBERLAND.
(Northern Division.)
Rt. hon. Sir George Grey, bt.,
Hon. Charles (Bennett) Lord Ossulston.

(Southern Division.)
Matthew Bell,
Savile Craven Henry Ogle.

NORWICH.
Samuel Morton Peto,
Hon. Arthur Richard (Wellesley) Marquess of Douro.

NOTTINGHAMSHIRE.
(Northern Division.)
Thomas Houldsworth,
Hon. (Henry William Cavendish Bentinck) Lord H. W. C. Bentinck.

(Southern Division.)
Thomas Blackburne Thornton Hildyard.

NOTTINGHAM.
John Walter,
Feargus O'Connor.

OLDHAM.
William Johnson Fox,
John Duncuft.

OXFORDSHIRE.
Hon. Montague (Bertie) Lord Norreys,
George Granville Vernon Harcourt,
Joseph Warner Henley.

OXFORD (CITY).
James Haughton Langston,
William Page Wood.

OXFORD (UNIVERSITY).
Sir Robert Harry Inglis, bt.,
Rt. Hon. William Ewart Gladstone.

PEMBROKESHIRE.
Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Howell Gwyn,
Francis Mowatt.

PETERBOROUGH.
Hon. George Wentworth Fitzwilliam,
William George Cavendish.

PETERSFIELD.
Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Hon. Hugh (Fortescue) Viscount Ebrington,
Roundell Palmer.

PONTEFRACT.
Samuel Martin,
Richard Monckton Milnes.

POOLE.
Henry Danby Seymour,
Sir George Richard Philips, bt.

PORTSMOUTH.
Rt. hon. Sir Francis Thornhill Baring, bt.,
Sir George Thomas Staunton, bt.

PRESTON.
Sir George Strickland, bt.,
Charles Pasco Grenfell.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. Hon. Sir Thomas Frankland Lewis, bt.

READING.
Francis Pigott,
John Frederick Stanford.

REIGATE.
Hon. Thomas Somers Cocks.

RETFORD (EAST).
Hon. Arthur Duncombe,
Rt. Hon. George Edward Arundell (Monckton-Arundell) Viscount Galway.

RICHMOND.
Henry Rich,
Marmaduke Wyvill, jun.

RIPON.
Rt. hon. Sir James Robert George Graham, bt.,
Hon. Edwin Lascelles.

ROCHDALE.
William Sharman Crawford.

ROCHESTER.
Ralph Bernal,
Thomas Twisden Hodges.

RUTLANDSHIRE.
Gilbert John Heathcote,
Hon. Gerard James Noel.

RYE.
Herbert Mascall Curteis.

ST. ALBAN'S.
Jacob Bell
George William John Repton.

ST. IVES.
Hon. (William John Frederic Powlett) Lord W. J. F. Powlett.

SALFORD.
Joseph Brotherton.

SALISBURY.
William James Chaplin,
Charles Baring Wall.

SALOP, OR SHROPSHIRE.
(Northern Division.)
William Ormsby Gore,
John Whitehall Dod.

(Southern Division.)
Hon. Robert Henry Clive,
Hon. Orlando George Chas. (Bridgeman) Viscount Newport.

SANDWICH.
Hon. (Clarence Edward Paget) Lord C. E. Paget,
Charles William Grenfell.

SCARBOROUGH.
Sir John Vanden Bempde Johnstone, bt.,
Hon. George Augustus Constantine Henry (Phipps) Earl of Mulgrave.

SHAFTESBURY.
Richard Brinsley Sheridan.

SHEFFIELD.
John Parker,
John Arthur Roebuck.

SHIELDS (SOUTH).
John Twizell Wawn.

SHOREHAM (NEW).
Sir Charles Merrik Burrell, bt.,
Hon. (Alexander Francis Charles Gordon Lennox) Lord A. F. C. G. Lennox.

SHREWSBURY.
Edward Holmes Baldock,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(Eastern Division.)
William Miles,
William Pinney.

(Western Division.)
Charles Aaron Moody,
Sir Alexander Hood, bt.

SOUTHAMPTON.
Sir Alexander James Edmund Cockburn, knt,
Brodie M'Ghie Willcox.

SOUTHWARK.
John Humphery,
Sir William Molesworth, bt.

STAFFORDSHIRE.
(Northern Division.)
Charles Bowyer Adderley,
Hon. George Granville Francis (Egerton) Viscount Brackley.

(Southern Division.)
Hon. William Walter (Legge) Viscount Lewisham,
Hon. George Anson.

STAFFORD.
David Urquhart,
Thomas Sidney.

STAMFORD.
Hon. Charles Cecil John (Manners) Marquess of Granby,
Rt. hon. John Charles Herries.

STOCKPORT.
James Heald,
James Kershaw.

STOKE-UPON-TRENT.
John Lewis Ricardo,
William Taylor Copeland.

STROUD.

William Henry Stanton,
George Poulett Scrope.

SUFFOLK.

(Eastern Division.)

Rt. Hon. Frederick (Thellusson) Lord Rendlesham,
Edward Sherlock Gooch.

(Western Division.)

Harry Spencer Waddington,
Philip Bennet, jun.

SUNDERLAND.

Sir Hedworth Williamson, bt.,
George Hudson.

SURREY.

(Eastern Division.)

Hon. Peter John Locke King,
Thomas Alcock.

(Western Division.)

William John Evelyn,
Henry Drummond.

SUSSEX.

(Eastern Division.)

Augustus Elliott Fuller,
Charles Hay Frewen.

(Western Division.)

Hon. Charles Henry (Gordon Lennox) Earl of March,
Richard Prime.

SWANSEA.

John Henry Vivian.

TAMWORTH.

Sir Robert Peel, bt.,
John Townsend.

TAUNTON.

Rt. hon. Henry Labouchere,
Sir Thomas Edward Colebrooke, bt.

TAVISTOCK.

Hon. Edward Southwell Russell,
John Salusbury Trelawny.

TEWKESBURY.

John Martin,
Humphrey Brown.

THETFORD.

Hon. William Henry (Fitzroy) Earl of Euston,
Hon. Francis Baring.

THIRSK.

John Bell.

TIVERTON.

John Heathcoat,
Rt. hon. Henry John (Temple) Viscount Palmerston.

TOTNESS.

Hon. Edward Adolphus (Seymour) Lord Seymour,
Charles Barry Baldwin.

TOWER HAMLETS.

George Thompson,
Sir William Clay, bt.

TRURO.

John Ennis Vivian,
Humphrey Willyams.

TYNEMOUTH.

Ralph William Grey.

WAKEFIELD.

George Sandars.

WALLINGFORD.

William Seymour Blackstone.

WALSALL.

Hon. Edward Richard Littleton.

WAREHAM.

John Samuel Wanley Sawbridge Erle Drax.

WARRINGTON.

Gilbert Greenall.

WARWICKSHIRE.

(Northern Division.)

Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)

Hon. Heneage (Finch) Lord Guernsey
Hon. George Guy (Greville) Lord Brooke.

WARWICK.

William Collins,
Sir Charles Eurwicke Douglas, knt.

WELLS.

Rt. hon. William Goodenough Hayter,
Richard Blakemore.

WENLOCK.

Hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.

James Wilson.

WESTMINSTER.

Sir De Lacy Evans, K.C.B.,
Charles Lushington.

WESTMORELAND.

Hon. Henry Cecil Lowther,
William Thompson.

WEYMOUTH AND MELCOMBE REGIS.

William Lockyer Freestun,
Hon. Frederick William Child Villiers.

WHITBY.

Robert Stephenson.

WHITEHAVEN.

Robert Charles Hildyard.

WIGAN.

Hon. James Lindsey,
Ralph Anthony Thicknesse.

WIGHT (ISLE OF).

John Simeon.

WILTON.

Hon. James Charles Herbert Welbore Ellis (Agar) Viscount Somerton.

WILTSHIRE.

(Northern Division.)

Walter Long,
Thomas Henry Sutton Sotheron.

(Southern Division.)

Rt. hon. Sidney Herbert,
John Benett.

WINCHESTER.

John Bonham Carter,
Sir James Buller East, bt.

WINDSOR.

George Alexander Reid.

WOLVERHAMPTON.

Hon. Charles Pelham Villiers,
Thomas Thornely.

WOODSTOCK.

Hon. John Winston (Spencer Churchill) Marquess of Blandford.

WORCESTERSHIRE.

(Eastern Division.)

George Rushout,
John Hodgetts Hodgetts Foley.

(Western Division.)

Hon. Henry Beauchamp Lygon,
Frederick Winn Knight.

WORCESTER.

Osman Ricardo,
Francis Rufford.

WYCOMBE (CHIPPING).

George Henry Dashwood,
Martin Tucker Smith.

YARMOUTH (GREAT).

Charles Edward Rumbold,
Joseph Sandars.

YORKSHIRE.

(North Riding.)

Edward Stillingfleet Cayley,
Hon. Octavius Duncombe.

YORKSHIRE—*continued.*

(*East Riding.*)

Henry Broadley,

Rt. hon. Beaumont (Hotham) Lord Hotham.

(*West Riding.*)

Edmund Becket Denison,

Richard Cobden.

YORK.

William Mordaunt Edward Milner,

John George Smyth.

SCOTLAND.

ABERDEENSHIRE.

Hon. William Gordon.

ABERDEEN.

Alexander Dingwall Fordyce.

ARGYLLSHIRE.

Duncan MacNeill.

AYRSHIRE.

Alexander Oswald.

AYR, &c.

Hon. (Patrick James Herbert Crichton Stuart) Lord P. J. H. C. Stuart.

BANFFSHIRE.

James Duff.

BERWICKSHIRE.

Hon. Francis Scott.

BUTESHIRE.

Rt. hon. James Archibald Stuart Wortley.

CAITHNESS-SHIRE.

George Trail.

CLACKMANNAN AND KINROSS SHIRES.

William Morison.

CUPAR, &c.

Edward Ellice.

DUMBARTONSHIRE.

Alexander Smollett.

DUMFRIES-SHIRE.

Hon. Archibald William (Douglas) Viscount Drumlanrig.

DUMFRIES, &c.

William Ewart.

DUNDEE.

George Duncan.

DYSART, &c.

Robert Ferguson.

EDINBURGHSHIRE.

Sir John Hope, bt.

EDINBURGH.

Charles Cowan,

Sir William Gibson Craig, bt.

ELGINSHIRE AND NAIRNE.

Charles Lennox Cumming Bruce.

ELGIN, &c.

George Skene Duff.

FALKIRK, &c.

FIFESHIRE.

John Fergus.

FORFARSHIRE.

Hon. (John Frederick Gordon Hallyburton) Lord J. F. Gordon Hallyburton.

GLASGOW.

John MacGregor,

Alexander Hastie.

GREENOCK.

Hon. William Hugh (Kynynmond) Viscount Melgund.

HADDINGTONSHIRE.

Hon. Francis Charteris.

HADDINGTON, &c.

Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.

Henry James Baillie.

INVERNESS, &c.

Alexander Matheson.

KINCARDINESHIRE.

Hon. Hugh Arbuthnott.

KIRKCUDBRIGHT.

John Mackie.

KIRKWALL, WICK, &c.

James Loch.

LANARKSHIRE.

William Lockhart.

LEITH, &c.

Rt. hon. Andrew Rutherfurd.

LINLITHGOWSHIRE.

George Dundas.

MONTROSE, &c.

Joseph Hume.

ORKNEY AND SHETLAND.

Arthur Anderson.

PAISLEY.

Archibald Hastie.

PEEBLES-SHIRE.

William Forbes Mackenzie.

PERTHSHIRE.

Henry Home Drummond.

PERTH.

Rt. hon. Fox Maule.

RENFREWSHIRE.

William Mure.

RENFREW, &c.

Hon. Edward Pleydell Bouverie.

ROSS AND CROMARTY SHIRES.

Sir James Matheson. bt.

ROXBURGHSHIRE.

Hon. John Edmund Elliot.

SELKIRKSHIRE.

Allan Eliott Lockhart.

STIRLINGSHIRE.

William Forbes.

STIRLING, &c.

John Benjamin Smith.

SUTHERLANDSHIRE.

Sir David Dundas, knt.

WIGTONSHIRE.

John Dalrymple.

WIGTON, &c.

Sir John MacTaggart, bt.

IRELAND.

ANTRIM.

Nathaniel Alexander,

Sir Edmund Charles Workman Macnaghten, bt.

ARMAGH.

Sir William Verner, bt.,

James Molyneux Caulfield.

ARMAGH (CITY).

John Dawson Rawdon.

ATHLONE.

William Keogh.

BANDON BRIDGE.

Hon. Francis (Bernard) Viscount Bernard.

BELFAST.

Robert James Tennent,

Hon. (John Ludford Chichester) Lord J. L. Chichester.

CARLOW.

Henry Bruen,

William Bunbury MacClintock Bunbury.

CARLOW (BOROUGH).

John Sadleir.

CARRICKFERGUS.

Hon. Wellington Henry Stapleton Cotton.

CASHELL.

Sir Timothy O'Brien, bt.

CAVAN.

Sir John Young, bt.,

Hon. James Pierce Maxwell.

CLARE.

Sir Lucius O'Brien, bt.,

William Nugent M'Namara.

CLONMEL.
Hon. Cecil John Lawless.

COLERAINE.
John Boyd.

CORK COUNTY.
Edmund Burke Roche,
Maurice Power.

CORK (CITY).
William Fagan,
James Charles Chatterton.

DONEGAL.
Sir Edmund Samuel Hayes, bt.
Thomas Conolly.

DOWNSHIRE.
Rt. hon. Frederick William Robert (Stewart) Viscount Castlereagh,
Hon. (Arthur Edwin Hill) Lord A. E. Hill.

DOWNPATRICK.
Richard Ker.

DROGHEDA.
Rt. hon. Sir William Meredyth Somerville, bt.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Edward Grogan,
John Reynolds.

DUBLIN (UNIVERSITY).
George Alexander Hamilton,
Joseph Napier.

DUNDALK.
William Torrens McCullagh.

DUNGANNON.

DUNGARVAN.
Rt. hon. Richard Lalor Sheil.

ENNIS.
James Patrick O'Gorman Mahon (The O'Gorman Mahon).

ENNISKILLEN.
Hon. Henry Arthur Cole.

FERMANAGH.
Mervyn Edward Archdall,
Sir Arthur Brinsley Brooke, bt.

GALWAY.
Sir Thomas John Burke, bt.,
Christopher St. George.

GALWAY (BOROUGH).
Martin Joseph Blake,
Anthony O'Flaherty.

KERRY.
Henry Arthur Herbert,
Morgan John O'Connell.

KILDARE.
Hon. Charles William (Fitzgerald) Marquess of Kildare,
Richard Southwell Bourke.

KILKENNY.
John Greene,
Pierce Somerset Butler.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S (COUNTY).
Sir Andrew Armstrong, bt.,
Hon. John Craven Westenra.

KINSALE.
Benjamin Hawes.

LEITRIM.
Edward King Tenison,
Hon. Charles Skeffington Clements.

LIMERICK.
William Monsell,
Wyndham Goold.

LIMERICK (CITY).
John O'Connell,
John O'Brien.

LISBURN.
Sir Horace Beauchamp Seymour, knt.

LONDONDERRY.
Theobald Jones,
Thomas Bateson.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Samuel Winsley Blackall,
Richard Maxwell Fox.

LOUTH.
Richard Montesquieu Bellew,
Chichester Fortescue.

MALLOW.
Sir Charles Denham Orlando Jephson Norreys, bt.

MAYO.
George Henry Moore,
George Gore Ouseley Higgins.

MEATH.
Matthew Elias Corbally,
Henry Grattan.

MONAGHAN.
Charles Powell Leslie,
Hon. Thomas Vesey Dawson.

NEWRY.
Hon. Francis Jack (Needham) Viscount Newry and Morne.

PORTARLINGTON.
Francis Plunket Dunne.

QUEEN'S COUNTY.
Hon. Thomas Vesey,
Rt. hon. John Wilson Fitzpatrick.

ROSCOMMON.
Fitzstephen French,
Oliver Dowell John Grace.

ROSS (NEW).
John Hyacinth Talbot.

SLIGO.
William Richard Ormsby Gore,
Sir Robert Gore Booth, bt.

SLIGO (BOROUGH).
John Patrick Somers.

TIPPERARY.
Nicholas Maher,
Francis Scully.

TRALEE.
Maurice O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
Nicholas Maher Power,
Robert Keating.

WATERFORD (CITY).
Thomas Meagher,
Sir Henry Winston Barron, bt.

WESTMEATH.
William Henry Magan,
Sir Percy Fitzgerald Nugent, bt.

WEXFORD.
James Fagan,
Hamilton Knox Grogan Morgan.

WEXFORD (BOROUGH).
John Thomas Devereux.

WICKLOW.
Hon. William Thomas Spencer (Wentworth Fitzwilliam) Viscount Milton,
Sir Ralph Howard, bt.

YOUGHALL.
Thomas Chisholm Anstey.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Fourth Session of the *Fifteenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 21 September, 1847, and from thence
continued till 4 February, 1851, in the Fourteenth Year
of the Reign of

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 4, 1851.

MINUTES.] *Sat first.*—The Duke of Newcastle, after the Death of his Father; the Lord Bolton, after the Death of his Uncle.

Introduced.—The Right Hon. Sir Robert Monsey Rolfe, Knt., one of the Vice-Chancellors of the High Court of Chancery, having been created Baron Cranworth.

Representative Peer for Ireland.—Writ and Returns: the Lord Dunsany, in the room of the Earl of Dunraven, deceased.

PUBLIC BILLS.—1^a Select Vestries; Law of Evidence Amendment.

MEETING OF PARLIAMENT.

THE PARLIAMENT, which had been prorogued successively from the 15th August to the 15th October, thence to the 14th November, thence to the 17th December, and thence to the 4th February, met this day for despatch of business.

The Session of the Parliament was opened by the QUEEN in Person. Being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"IT is with great Satisfaction that I again meet My Parliament, and resort to your Advice and Assistance in the Consideration of Measures which affect the Welfare of our Country.

"I CONTINUE to maintain the Relations of Peace and Amity with Foreign Powers. It has been My Endeavour to induce the States of *Germany* to carry into full Effect the Provisions of the Treaty with *Denmark*, which was concluded at *Berlin* in the Month of *July* of last Year. I am much gratified in being able to inform you that the *German* Confederation and the Government of *Denmark* are now engaged in fulfilling the Stipulations of that Treaty, and thereby putting an end to Hostilities which at one Time appeared full of Danger to the Peace of *Europe*.

"I TRUST that the Affairs of *Germany* may be arranged by mutual Agreement in such a Manner as to preserve the Strength of the Confederation and to maintain the Freedom of its separate States.

"I HAVE concluded with the King of *Sardinia* Articles additional to the Treaty of *September* 1841, and I have directed that those Articles shall be laid before you.

"THE Government of *Brazil* has taken new, and, I hope, efficient, Measures for the Suppression of the atrocious Traffic in Slaves.

"*Gentlemen of the House of Commons,*

"I HAVE directed the Estimates of the Year to be prepared and laid before you without Delay. They have been framed with a due Regard to Economy and to the Necessities of the Public Service.

"*My Lords, and Gentlemen,*

"NOTWITHSTANDING the large Reductions of Taxation which have been effected in late Years, the Receipts of the Revenue have been satisfactory.

"THE State of the Commerce and Manufactures of the United Kingdom has been such as to afford general Employment to the Labouring Classes.

"I HAVE to lament, however, the Difficulties which are still felt by that important Body among My People who are Owners and Occupiers of Land.

"BUT it is My confident Hope that the prosperous Condition of other Classes of My Subjects will have a favourable Effect in diminishing those Difficulties, and promoting the Interests of Agriculture.

"THE recent Assumption of certain Ecclesiastical Titles conferred by a Foreign Power has excited strong Feelings in this Country, and large Bodies of my Subjects have presented Addresses to Me, expressing Attachment to the Throne, and praying that such Assumptions should be resisted. I have assured them of My Resolution to maintain the Rights of My Crown, and the Independence of the Nation against all Encroachment, from whatever Quarter it may proceed. I have at the same Time expressed My earnest desire and firm Determination, under God's Blessing, to maintain unimpaired the Religious Liberty which is so justly prized by the People of this Country.

"IT will be for you to consider the Measure which will be laid before you on this Subject.

"THE Administration of Justice in the several Departments of Law and Equity will, no doubt, receive the serious Attention of Parliament; and I feel confident that the Measures which may be submitted to you with a view of improving that Administration will be discussed with that mature Deliberation which important Changes in the highest Courts of Judicature in the Kingdom imperatively demand.

"A MEASURE will be laid before you providing for the Establishment of a System of Registration of Deeds and Instruments relating to the Transfer of Property. This Measure is the Result of Inquiries which I have caused to be made into the Practicability of adopting a System of Registration calculated to give Security to Titles, to diminish the Causes of Litigation to which they have hitherto been liable, and to reduce the Cost of Transfers.

" To combine the Progress of Improvement with the Stability of our Institutions will, I am confident, be your constant Care. We may esteem ourselves fortunate that we can pursue without Disturbance the Course of calm and peaceable Amelioration; and we have every Cause to be thankful to Almighty God for the Measure of Tranquillity and Happiness which has been vouchsafed to us."

Her Majesty then retired.

ADDRESS IN ANSWER TO THE SPEECH.

The Queen's Speech having been *reported* by the Lord Chancellor,

The **Earl of EFFINGHAM** rose and said, that he had ventured to take upon himself the office of moving an humble Address to Her Majesty in answer to Her gracious Speech from the Throne. He could assure their Lordships without affectation that on no former occasion of the kind had any Member of that House stood in greater need of their indulgence and forbearance. He craved indulgence at their Lordships' hands, not only because he was conscious of his inability to address their Lordships as he could wish on such an occasion, or because it was the first time he had ever attempted to do so since he had had the honour of a seat among their Lordships, but also on account of the great importance of the topics contained in Her Majesty's most gracious Speech, and especially of one subject to which allusion was therein made, and which had created apprehension in the minds of vast numbers, and produced great public excitement throughout the country, and which would necessarily occupy much of their Lordships' attention, and yet a subject which he thought their Lordships would agree with him ought to be discussed with moderation and forbearance, however strong might be the feelings and however decided the opinions we entertained regarding it. Trusting, therefore, to their Lordships' indulgence, he would proceed at once to call their Lordships' attention to some of the points contained in Her Majesty's Speech. In the first place, their Lordships would readily concur in expressing their satisfaction at the announcement made in the Royal Speech of the maintenance of the peace of Europe, and the continuance of friendly relations between this country and the other nations of Europe. This announcement, he thought, would be a subject of congratulation when we considered the state in which a great part of the continent of Europe had been placed for some time past, the circumstances of which were well known to their Lordships, and which certainly at one time bore an ominous appearance, and threatened to disturb the tranquillity of Europe. He need not say he alluded more particularly to the difficulties which had existed for some time past with regard to the duchies of Schleswig and Holstein, as well as to the state of affairs in Germany and in some other parts of Europe. We had seen large bodies of troops collected together; at one time nearly the whole adult male population had been placed under arms, whereby, beyond doubt, the utmost danger was incurred of a collision between two great neighbouring States. That danger, he trusted, had now passed away, and their Lordships, he was sure, would participate most cordially in the satisfaction which Her Majesty expressed, that the German Confederation and the Government of Denmark were now engaged in fulfilling the stipulations of a treaty which had put an end to hostilities, and was likely to prevent the peace of Europe from being again disturbed in that quarter. With regard to the state of affairs in Germany, their Lordships were told that there was every prospect of things being brought to an amicable settlement; and they might, he thought, concur with Her Majesty in hoping that the independence and freedom of the separate States would be preserved. He could not avoid here referring to an event to which so many in this country, and many persons in other parts of the world, were looking forward with extreme interest, and which was to take place in a short time in this country—an event which, he hoped and believed, would tend to increase the desire amongst all nations for the continuance of that peace, and all its concomitant advantages, which are so essential to the transactions of commerce, as well as to the happiness and prosperity of nations. Amongst the various topics alluded to in the Speech from the Throne, none, he thought, would be received with greater satisfaction by their Lordships and the country than the announcement that the Government of Brazil had at last taken a new and, as we hoped, an efficient step for the suppression of the slave trade. All the late accounts from the coast of Africa and from Brazil tended to show that a great check had been given to that nefarious traffic both on the coast of Africa and in Brazil; and therefore he trusted the recent measure of the Government of Brazil would be effectual for the object which we were all so desirous to see attained. The next subject in the Royal Speech was also a matter of great congratulation, namely, the prosperous state of the finances of the country, and of its commercial and manufacturing industry. Notwithstanding the large reduction of duties which had taken place during the last few years on articles of general consumption, it was most satisfactory to find that the state of the revenue was most healthy and sound; and this circumstance, he thought, might be taken as a fair test both of the wisdom of those reductions and of the elasticity of our national resources. With regard to the manufacturing districts, there could not be any doubt that they were in a state of general prosperity, and affording the people full employment and comfort from their activity. He would not enter minutely into the consideration of these questions, nor trouble their Lordships with figures, but he would just mention that, from the revenue returns for the last year it would be found that there had been a large increase in the Excise, as well as in those items of the Customs which, together with the Excise, affected the necessaries and comforts of life enjoyed by the great body of the people; and that, therefore, concurrently with the increasing prosperity of manufactures had the comforts of the humbler classes increased—facts which were sufficiently proved by the increase in the consumption of exciseable articles, and by the diminution of pauperism. Again, in regard to commerce, the same grounds existed for congratulation. In 1849 there was an excess in the exports over the preceding year of ten millions; and last year, though the increase did not go to the same extent, still it showed a large excess upon the year 1849. This, he thought, might be taken as a general indication that the whole of the population dependent upon commerce and manufactures was in a state of remunerative employment. In that part of the country with which he was more particularly connected (Yorkshire), he was informed by those who were thoroughly acquainted with the facts, that trade was never better nor more sound and prosperous than it was now. Next, as to the relief administered under the poor-law. On the 1st of January last, as compared with the 1st January, 1850, there was a considerable decrease, both in the cost of the relief given, and in the numbers relieved; and, further, when the returns of those relieved were examined, it would be found that there was a considerable decrease in the numbers of ablebodied paupers receiving relief — a very strong proof of the alteration for the better which had taken place in the condition of the poor; and this was not only the case in those counties where a large proportion of the population were engaged in manufactures, but he believed it was the case with all the agricultural counties, with one or two unimportant exceptions. Perhaps it might be said that this arose from the employment given in works of improvement now going on, such as in drainage, and in other works connected with agriculture. But even if this were so, it was still most satisfactory; because, if these improvements were for the good of the labourer, they were also for the benefit of the landowner and occupier: as it was only fair to assume that the money so laid out would yield a profitable return. Now, he wished he could speak in similar terms of congratulation as to the condition of those more dependent on land, and engaged in agriculture. Her Majesty said — "I have to lament, however, the difficulties which are still felt by that important body among my people who are owners and occupiers of land. But it is my confident hope that the prosperous condition of other classes of my subjects will have a favourable effect in diminishing those difficulties, and promoting the interests of agriculture." Amongst these classes he could not deny that considerable distress at this moment existed, especially amongst the tenant farmers; but, as regarded the labourers, he believed that, although their wages might have been reduced, still the price of their food had been reduced in more than the same proportion; and therefore the agricultural labourer was in a better condition than he had been. But with regard to the tenant-farmer, no doubt considerable distress existed, owing to the low price of corn; but he could only say he had no doubt that the energy and activity of the British farmers would carry them through their difficulties by the kind consideration of their landlords, and by the application of that skill and science which were so universally diffused and brought to bear with so much success on the cultivation of the soil. The next topic to which attention was called in Her Majesty's Speech was that to which he had already alluded as having so completely engrossed the public mind—namely, the late attack of the Pope of Rome against the independence of this country. Considering the nature of that attempt, their Lordships, he thought, would not be surprised at the excitement which prevailed out of doors on the subject, and he trusted they would not fail to sympathise in those feelings of indignation manifested by almost all classes of Her Majesty's subjects. In alluding to this question, he was anxious to do so without acrimony, and without uttering one word which was justly calculated to give offence to the religious sentiments of any man. He most certainly would not wish to do so; but at the same time he could not consent to conceal his opinions, or hesitate on any occasion to express them openly. Now, all must admit that there has been no such invasion of the rights and independence of this country by the Bishop of Rome since the time of the Reformation. Our Roman Catholic forefathers had refused to submit to such an infringement upon the rights and privileges of their Sovereign, and upon the dignity and independence of their country. Such an attempt would not be endured by any Roman Catholic State now, and why should England submit to it? Her Majesty said—"The recent assumption of certain ecclesiastical titles conferred by a foreign Power has excited strong feelings in this country, and large bodies of my subjects have presented addresses to me expressing attachment to the Throne, and praying that such assumptions should be resisted. I have assured them of my resolution to maintain the rights of my crown, and the independence of the nation, against all encroachment, from whatever quarter it may proceed. I have, at the same time, expressed my earnest desire and firm determination, under God's blessing, to maintain unimpaired the religious liberty which is so justly prized by the people of this country. It will be for you to consider the measure which will be laid before you on this subject." It must be most gratifying, he was sure, to hear the expression of such sentiments from the Sovereign. He could not but congratulate their Lordships on the existence of that sound Protestant feeling exhibited by this country on this occasion; showing, he thought, beyond all doubt, that the heart of the country was sound, and that it had no sympathy with Rome, either in its real form, or under whatever other name it might be disguised. The attempt of the Pope to interfere with our internal and domestic concerns must, he thought, be met by a legislative enactment; but what that measure might be it was not for him to consider now, nor could he anticipate what the measures were which it was the intention of Her Majesty's Government to bring forward; he would only express a hope that it would be such as would satisfy their Lordships themselves, meet the just expectations of the people of this realm, and be adequate to effect the object for which it was intended. He trusted that their Lordships would continue to be the maintainers of the full enjoyment of civil and religious liberty, and that they would uphold their Roman Catholic fellow-subjects in the full possession and free exercise of their civil rights and privileges, so long as they did not encroach on the rights of others. But in establishing a hierarchy of their own, subject to a foreign potentate, he thought that they were infringing on the rights of the Crown, as well as those of the Established Church. He had no objection, and he thought their Lordships would not object, to give to the Roman Catholics every facility for the exercise of their religion; but if they pretended they could not enjoy the exercise of their religion without instituting a hierarchy of their own, with bishops holding territorial dioceses, and exercising ordinary jurisdiction, then he thought their Lordships would be perfectly justified in saying to the Roman Catholics—they could not do so here without infringing on the prerogative of the Crown and on the security of the Established Church, and that their Lordships and the people of England were not prepared to sacrifice these, though both might be ignored and set aside by a foreign Power. He could not but remind their Lordships that one object of establishing this Roman

Catholic hierarchy was avowed by its originator to be the reduction of England under the operation of the canon law. Now, if that were so, it was incumbent on their Lordships to inquire how far that law was compatible with our own laws and constitution, and with the general interests and good of society. Now, it was to him quite clear that that law would not agree with the independence of any Protestant country, and could not be introduced into England consistently with the supremacy of English law. The Pope, by dividing England into dioceses, and by making, of his own authority, appointments to them, had been guilty of an attack upon the supremacy of Her Majesty, which he trusted all their Lordships were prepared to maintain. It had been stated that, if this act had been promulgated less offensively, it would not have been complained of by the country. He could not believe any such statement, and he would, therefore, contend that the act itself was that of which we had a right to complain, and that the offensive manner in which it was announced was only an aggravation of the insult. It must be met by some legislative measure, at once securing the just supremacy of the Crown, and increasing the efficiency of the Established Church, which would be the most effectual way of opposing a barrier to the encroachments of the Church of Rome. There were other subjects of great importance in Her Majesty's Speech, relating to the administration of justice in the several departments of law and equity, to which the attention of the Parliament was to be called in the course of the present Session. He would rather leave those subjects for the consideration of others, who were better qualified to deal with them than he was; but with regard to the measure providing for the establishment of a system of registration of deeds and improvements relating to the transfer of property, he thought that every one of their Lordships would understand its importance. He was quite sure that there was one topic in the Speech in which their Lordships, however they might differ in other respects, would one and all agree—he alluded to Her Majesty's declaration that "we have every cause to be thankful to Almighty God for the measure of tranquillity and happiness which has been vouchsafed to us." The noble Earl concluded by moving the following humble Address:—

"MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to return Your Majesty our humble Thanks for Your Majesty's most gracious Speech from the Throne.

"WE beg leave humbly to thank Your Majesty for the Assurance of Your Majesty's great Satisfaction in again meeting Your Parliament, and resorting to our Advice and Assistance in the Consideration of Measures which affect the Welfare of our Country.

"WE beg leave humbly to express the Satisfaction with which we learn that Your Majesty continues to maintain the Relations of Peace and Amity with Foreign Powers.

"WE thank Your Majesty for informing us that it has been Your Endeavour to induce the States of *Germany* to carry into full Effect the Provisions of the Treaty with *Denmark*, which was concluded at *Berlin* in the Month of *July* of last Year; and we assure Your Majesty that we participate in the Gratification which Your Majesty has been pleased to express in being able to inform us that the *German* Confederation and the Government of *Denmark* are now engaged in fulfilling the Stipulations of that Treaty, and thereby putting an end to Hostilities which at one Time appeared full of Danger to the Peace of *Europe*.

"WE beg leave humbly to assure Your Majesty, that we participate in the Hope which Your Majesty has been pleased to express that the Affairs of *Germany* may be arranged by mutual Agreement in such a manner as to preserve the Strength of the Confederation, and to maintain the Freedom of its separate States.

"WE thank Your Majesty for informing us that Your Majesty has concluded with the King of *Sardinia* Articles additional to the Treaty of *September* 1841, and for having directed that those Articles shall be laid before us.

"WE rejoice to learn that the Government of *Brazil* has taken new, and, as Your Majesty hopes, efficient, Measures for the Suppression of the atrocious Traffic in Slaves.

"WE thank Your Majesty for informing us, that, notwithstanding the large Reductions of Taxation which have been effected in late Years, the Receipts of the Revenue have been satisfactory.

"WE learn with Satisfaction that the State of the Commerce and Manufactures of the United Kingdom has been such as to afford general Employment to the Labouring Classes.

"WE concur with Your Majesty in lamenting the Difficulties which are still felt by that important Body among Your Majesty's People who are

Owners and Occupiers of Land; but we unite with Your Majesty in the confident Hope that the prosperous Condition of other Classes of Your Majesty's Subjects will have a favourable Effect in diminishing those Difficulties, and promoting the Interests of Agriculture.

"We beg leave humbly to state to Your Majesty that we have observed that the recent Assumption of certain Ecclesiastical Titles conferred by a Foreign Power has excited strong Feelings in this Country; and we thank Your Majesty for informing us that large Bodies of Your Majesty's Subjects have presented Addresses to Your Majesty, expressing Attachment to the Throne, and praying that such Assumptions should be resisted. We rejoice to learn that Your Majesty has assured them of Your Resolution to maintain the Rights of Your Majesty's Crown, and the Independence of the Nation, against all Encroachment, from whatever Quarter it may proceed. We also learn with Satisfaction that Your Majesty has at the same Time expressed Your earnest Desire and firm Determination, under God's Blessing, to maintain unimpaired the Religious Liberty which is so justly prized by the People of this Country.

"We beg leave to assure Your Majesty that we will devote our best Consideration to the Measure which will be laid before us on this Subject.

"We beg leave humbly to state to Your Majesty that it will be our Duty to give our serious Attention to the Administration of Justice in the several Departments of Law and Equity; and we thank Your Majesty for the Confidence which Your Majesty feels that the Measures which may be submitted with a view of improving that Administration will be discussed with that mature Deliberation which important Changes in the highest Courts of Judicature in the Kingdom imperatively demand.

"We thank Your Majesty for acquainting us that a Measure will be laid before us providing for the Establishment of a System of Registration of Deeds and Instruments relating to the Transfer of Property, and for informing us that this Measure is the Result of Inquiries which Your Majesty has caused to be made into the Practicability of adopting a System of Registration calculated to give Security to Titles, to diminish the Causes of Litigation to which they have hitherto been liable, and to reduce the Cost of Transfers.

"We thank Your Majesty for the Confidence which Your Majesty has been pleased to express that it will be our constant Care to combine the Progress of Improvement with the Stability of our Institutions; and we unite with Your Majesty in the Conviction that we may esteem ourselves fortunate that we can pursue without Disturbance the Course of calm and peaceable Amelioration; and we beg Leave to assure Your Majesty that we feel we have every Cause to be thankful to Almighty God for the Measure of Tranquillity and Happiness which has been vouchsafed to us."

Lord CREMORNE said, he rose with much diffidence to second the Address to Her Majesty, which had been proposed by the noble Earl. In doing so he could assure their Lordships that he felt need of that indulgence which was usually conceded to those occupying the position he was in. After the manner in which the noble Earl who had preceded him had reviewed the different topics alluded to in Her Majesty's Speech, he felt that it was not necessary, and that he would be only trespassing on their Lordships' time, if he, too, were to go through them in detail; but there were one or two upon which it would not be altogether fitting that he should remain silent. In making some observations on these topics, he sincerely trusted that nothing he should say might give rise to any hostile discussion, or turn the attention of their Lordships from unanimously concurring in the adoption of the Address now under consideration. The important subject which had for some time past been agitating the public mind—he meant the late proceeding of the Papal See—naturally attracted the largest share of attention. The noble Earl had already alluded to this subject, and he (Lord Cremorne) need hardly say how entirely he concurred with him in the sentiments he had expressed. He felt much gratification at the circumstance of Her Majesty's recommending this subject to the attention of the House; and he sincerely trusted that their Lordships would be prepared to co-operate with Her Majesty's Government in imposing restrictions on the exercise of the Papal power in this country. It was also most satisfactory to him to find this recommendation in Her Majesty's Speech coupled with an assurance, from which they might infer that, whatever measures might be proposed, they would in nowise curtail the civil and religious liberties of any of Her Majesty's subjects; that these measures would not be measures of persecution against our Roman Catholic fellow-subjects, but would only be calculated to resist aggression on the part of the Court of Rome. He thought he might say that many—he hoped he might say that most—of the Roman Catholic Peers and Members of the other House of Parliament would approve of this policy, and that they, in common with their and our Roman Catholic ancestors, would think it necessary to defend the Royal prerogative, and to check, by Act of Parliament, that spirit of aggression which had always animated, and still did animate, the Court of Rome. He would now refer to another subject. Her Majesty had congratulated them on the general prosperity of the country. Whether it was regarded in a national, commercial, or social point of view, he thought there could be no doubt that the nation never appeared in a more flourishing condition. There was, however, one exception, and that was a most important one, to this general prosperity. Her Majesty proceeded to lament that distress prevailed to a great extent amongst the owners and occupiers of land. This was a subject well worthy of most serious consideration. It was a subject most intimately connected with the well-being of the most important class of our manufacturers—he meant that one which was engaged in the production of human food. Were he to proceed to investigate the causes of agricultural distress, he feared he should only be commencing a discordant debate, not leading to any practical result. He should therefore content himself with saying, that as all classes and interests of this country were so intimately connected and bound up with one another, so the prosperity of manufactures and commerce must ultimately react upon the agricultural interests, and mitigate the evils under which they laboured. With regard to Ireland, he could speak from experience and personal observation, and he would say, that in that part of the united kingdom there was much cause for congratulation. He might point as a proof of this assertion to the large reduction in the amount of poor-rates, and of the number of poor in the workhouses, which, together with other causes, had contributed to lighten the burdens upon land, and to restore confidence amongst the tenant-farmers, a large portion of whom, and he feared he might say the most respectable portion, had been formerly despondent, and looked to emigration as the means of remedying their condition. Another means of improvement had been the satisfactory manner in which the Incumbered Estates Act had worked, by the gradual introduction of new classes of solvent proprietors, whose circumstances enabled them to devote an adequate portion of capital to the improvement of their property and the employment of the population. It might be said that this prosperity had been obtained at the expense of the old landlords. That was not his opinion. It was his opinion that land had sold quite as well as could be expected, when the recurrence of the potato failure for several years, and the diminished value of all agricultural produce, were taken into consideration. Besides this, vast sums of money which would otherwise have been wasted in litigation had been saved; and the rapidity with which sales had been effected had prevented ruinous arrears of interest from accumulating. That these advantages were appreciated, was manifest from the circumstance that so many proprietors had become petitioners for the sale of their own estates. With one or two exceptions also, all the purchases had been effected by Irish capital, thereby disproving the assertion that the land was about to pass by wholesale into the hands of absentee proprietors, and showing, moreover, that Ireland had within herself a much greater amount of capital and resources than was commonly supposed. In fact, so well did he (Lord Cremorne) appreciate the consequences of this Act, that if, among the legal reforms hinted at in Her Majesty's Speech, it should be contemplated to provide a similar measure for England, he would give it his support and concurrence. The satisfactory state of our relations with foreign Powers was another topic of Her Majesty's Speech; but as that had been already brought under their Lordships' attention, he would not longer trespass upon their time than to thank them for having so kindly given their attention, and to ask them to adopt the Address to Her Majesty, which he had the honour to second.

On the Question being proposed,

Lord STANLEY said: My Lords, I have always been of opinion, that as a general rule, unless the Address proposed in answer to Her Majesty's Speech to both Houses of Parliament contains a declaration of principles which it is impossible for a large portion of the House to adopt—unless it speaks in terms which it is impossible to concur with or assent to—it is in general most respectful to the Crown, most convenient to the House, and best adapted for the discharge of business, that this and the other House of Parliament should upon the first evening of the Session, receive the Speech with that respect which is due to everything which proceeds from Her Majesty, and receive it as an indication merely of the principal measures and the principal topics which are likely to come under the consideration of Parliament, without expressing any opinion on the merits of the measures themselves, or as to the course which Parliament ought to adopt with respect to them. And although, on my own part, I must confess that I am not altogether satisfied with the language of this Speech, and although I think there are some things in it which might be couched in more appropriate terms, some things which might well have been omitted, and although there are some things omitted which I think might have found a place in it, yet upon the whole, I will preface the observations which I have to make to your Lordships, by declaring for my own part at all events, and I believe for the great body of those with whom I have the honour and the satisfaction to act, that it is not our intention to call upon your Lordships by any hostile amendment to negative or to alter any portion of the Address which has been proposed in reply to the Speech from the Throne. My Lords, there are some topics in this Speech of no ordinary and common-place kind. There are references to amendments in the law on the most important and difficult subjects. With regard to any alteration of the law as to the registration of deeds and the facilitating of the transfer of property, I need only say that when such measures, involving no political or party interest, shall be submitted to the consideration of this or the other House of Parliament, I am sure that they will meet with that dispassionate and calm consideration which the importance of the subject demands. My Lords, with regard to the foreign affairs of this country, I am happy to see, from the Speech itself, that the noble Lord the Secretary for Foreign Affairs has been actively employed. My Lord, it is no doubt satisfactory to this country — the more satisfactory because prolonged uncertainty had caused, no doubt, a reasonable apprehension to be entertained for the peace of Europe—it is satisfactory to learn that those contentions which prevailed between the German Confederation—or rather, I would say, between Prussia, under whose influence the German Confederation has been acting, and the Court of Denmark, have at last been brought to a termination. My Lords, how far that termination may be due to the intervention of Her Majesty's Government, it is not for me to say. I confess, that although I believe that the noble Lord at the head of the Foreign Office has done nothing to thwart the attempts which may have been made by others to bring about a reconciliation, and that that noble Lord may have contributed his humble part to that attempt at reconciliation, yet that part has by no means been so pre-eminent as that noble Lord has found it expedient for him to take upon some other less justifiable occasions. My Lords, I believe that the pacification of Denmark and the German Confederation, is due partly to the returning good sense of the Prussians, partly to the unanimous expression of the sentiments of all civilised Europe as to the unjustifiable character of the aggression upon Denmark which was intended—much more to the firm and dignified attitude which has been assumed by the Emperor of Austria—and perhaps it is not too much to say, most of all by the forcible inducements, by arguments backed by the most powerful influences, which have been unsparingly used by the Emperor of Russia. But, my Lords, from whatever cause this is owing, I cordially rejoice that the threatened disturbance of the general peace of Europe has, through some instrumentality or another, been, for the present at least, put an end to. My Lords, the noble Lord who moved the Address, stated that Parliament would no doubt receive with great satisfaction, and that there was no subject which would give more satisfaction to the country, than the assurance that the Government of Brazil had taken new measures, and, Her Majesty hoped, efficient measures, for the suppression of the atrocious traffic in slaves. My Lords, I wish I could share in the hope which has been expressed by Her Majesty on that subject. I wish that I had good grounds for hoping—not that they would adopt any new measures or pass any new laws—but that they would give *bonâ fide* execution to the laws which they have already passed on the subject of the traffic in slaves — but I cannot forget that no Power has done so much to foster and promote that atrocious system as Brazil, and that no Power has greater means of mitigating and putting an end to its horrors. But while I look with some hope to the execution of existing laws and to the sincere exertions of the Government of Brazil, I cannot refrain from calling your Lordships' attention to the fact that you have a more powerful means for the suppression of that atrocious traffic in slaves, which you yearly deprecate and spend hundreds of thousands, and much valuable blood, to put down, but which your commercial regulations strongly and effectually encourage. My Lords, there are two topics which have been introduced into the Speech from the Throne of the deepest importance; and while I do justice to the general ability with which the noble Lord who moved this Address addressed your Lordships, I concur with him in nothing that he has said, more than in the terms in which he spoke of that portion of the Address which refers to the difficulties that are felt by owners and occupiers of land. I rejoice to find that the important class of landowners and occupiers are now spoken of with somewhat more of respect—I had almost said with less of neglect—than has been observed in preceding years. It is a melancholy satisfaction to us occupiers and landowners, aye, and I will add, labourers —to know that the reasonableness of our complaints, and the extent and the reality of our distress, is at length acknowledged by Her Majesty's Government. Last year, my Lords, Her Majesty had heard with regret, not the distress, but the complaints of certain portions of owners and occupiers of land; but Her Majesty was consoled by the reflection that the great body of her people, from cheapness and abundance, were partaking generally of the comforts of life. Now, this year we are told that Her Majesty laments "the difficulties which are still felt by that important body" (no longer a small fraction, whose interests are to be separated from the great mass of the community), but that "important body" connected with the occupation and cultivation of the land. The noble Lord who seconded the Address gave utterance to a declaration, which I hope embodies the views of Her Majesty's Government, that of all the manufacturers of this country, the most important interest, that which is most deeply and vitally connected with the well-being of the country, the manufacturers of human food, the great class connected with the cultivation of the land, are the most important. My Lords, we are grateful for the sympathy which authorised an expression of condolence with that suffering and important interest, that formerly wealthy, that still loyal though deeply suffering, portion of the community. But I confess, my Lords, that I should have received this Speech with more satisfaction, I should have concurred more readily in the language of the Address, if I had seen held out, either in the Speech itself, or in the language of either of the noble Lords, who might have been so far authorised on the part of the Government, any expression, any hope, however feeble, of the diminution of those difficulties by means of legislative measures. My Lords, we are told that there is great and very general prosperity in the country, that the manufacturing classes are generally employed, on which I shall have a word or two to say in a moment. It appears that the prosperity of the great bulk of the country is such that Her Majesty's Government have means at their disposal to justify a remission of taxation. My Lords, if it be the fact that all other interests are prospering—if it be the fact that the most important interest of all is suffering—if it be possible to apply relief in the shape of a remission of taxation, I ask Her Majesty's Government to what purposes could that remission of taxation be more fitly and more justly applied than to the relief of those who, whilst the other classes of the country are in the opinion of the country enjoying unparalleled prosperity, are suffering under difficulties of the utmost severity. Yet, my Lords, throughout the Speech from the Throne, and throughout the speeches of the noble Lords who moved and seconded the Address, I find no indication on the part of Her Majesty's Government, by any legislative measures, by relief from taxation, or by any other mode, to put forth a single finger for the relief of that distress which they admit and acknowledge. My Lords, I ask Her Majesty's Government—the noble Lord has shrunk from that inquiry—but I will ask Her Majesty's Government to what it is that they attribute this long-continued distress? I ask whether any man can deny that that distress among the owners and occupiers of land is attributable to that system of legislation which, be it right or wrong, be it for the general advantage of the community, or be it not for that general advantage, you have introduced within the last few years, and which is bearing heavily upon the agricultural resources of the country? I ask, can any one deny that the present agricultural distress is owing to the legislation which you have adopted; and if it be owing to your course of legislation, and by legislation you can relieve that distress which you have created—I ask what excuse do you make to yourselves or to your country for your obstinate refusal to alleviate that cause of distress? My Lords, I ask Her Majesty's Government, is the

Lord Stanley.

present condition of the landed interest, as they called it last year, an exceptional case? I ask what are the circumstances which are exceptional? The year before last it was an exceptional case because there had been a large importation of foreign corn to make up for the deficiency of a bad harvest at home. Last year the cause of distress was the reverse. The cause of distress then was an abundant harvest at home, coincidal with an abundant harvest abroad; and, my Lords, the last time we met the price of wheat was far below that which we were led to anticipate. At the commencement of the Session, the lowest price of wheat was 42*s.* We were assured that that was so ruinous a price that no foreign importers would be induced at such a price to bring their agricultural produce to this country, and we were in fact assured that there would speedily be so great a reaction that this year the prices would be extravagantly high. If, by any chance, there was a rise of a penny or twopence one week over another, we were told with joy by the free-traders, who at first desired an indefinite cheapness in corn, "You see the reaction is beginning to set in. Look, the prices are rising; you may all hope for the best now, for the prices which we have done our best to cut down are actually rising in spite of us." From 42*s.* last year the price went down to 40*s.*, to 39*s.*, to 38*s.*, and, I believe, at the moment I am now addressing your Lordships, the price of wheat in this country is but 37*s.* 2*d.* At a price varying from 42*s.* to 37*s.* 2*d.*, there has been poured into this country a continued stream of wheat and wheat flour, and that stream is still increasing. There has been an importation of not less than 4,500,000 quarters of wheat alone; and according to every advice that comes, so far from finding the producers sick of their bargain, "the cry is still they come," and our markets are swamped with the inundation of foreign corn. I say to those who rejoiced in repealing the corn laws that the results have not verified their anticipations and expectations—that many men who supported that measure, did so in the confident expectation that, although some diminution would take place in the price of corn, yet that no permanent diminution would be experienced to any such extent as we have experienced. I may remind the noble Lord the Secretary for the Colonies that he anticipated a rise in the value of land, and an improvement in the price of corn. [Earl GREY here made a remark which did not reach the gallery.] I thought that the noble Lord had some reason to believe that the value of land in the market—certainly of agricultural land—would not be lowered by the adoption of free trade. The noble Lord who seconded the Address spoke of the benefit which has been derived from the operation of the Incumbered Estates Act, and threw out a hint that he should not object to an extension of the measure to this country. In speaking of the operation of that Act, by which lands have been transferred from one person to another, or rather in many cases from debtor to creditor, the noble Lord noticed that prices had been as good as could be expected under existing circumstances. And when we inquire what the existing circumstances are, we are told, not the large amount of land in the market at once, but the depreciation in the value of all agricultural produce, and the consequent depreciation thereby caused in the value of the land which raises that produce. The Incumbered Estates Act may be a convenience to some nominal proprietors, whose incumbrances amount to fifty or sixty years' purchase, and who have been able to obtain friendly purchases at five or six years' purchase, and have transferred their land. It may undoubtedly be true that in many cases those incumbered estates may have been purchased by creditors upon the estates as a bad debt, which there was no other chance of recovering; but I cannot congratulate the noble Lord on the success of an experiment which has caused a large amount of property throughout Ireland to be sold at prices varying from four to nine or ten years' purchase of the net profit rents of the estate. I thought when the Incumbered Estates Bill was obtained, that Ireland was to be renovated by the introduction of a new class of capitalists—by the application of English capital and English enterprise for the supplying the vacancy which had been created by the exhaustion of late years. But no such thing. The noble Lord congratulates us on the fact, that there has hardly been an investment of English money to the extent of 100*l.* in the purchase of Irish property; and consequently all this sacrifice of estates has been made without the addition of a single shilling to the circulating capital of Ireland. I beg to enter my very humble protest on this subject. The Act may have worked satisfactorily to some parties, but it really has operated most cruelly in many cases. It has performed, and is performing, and will continue to perform, that operation which the noble Lord treats with indifference, or rather, which he considers desirable. It has substituted a new set of proprietors for the ancient owners of the soil. This might have been desirable in some cases where the proprietors were merely nominal proprietors, and in those instances I have no doubt the transfer has been beneficial; but, as a general rule, it is not desirable for the social interests of the country—it is not an object to be aimed at, to break up the old connexion between landlord and tenant, and to substitute a new class of proprietors for those whose families have owned and occupied the land for years and centuries. I am desirous to maintain, if it be possible—I am desirous, at all events, of doing nothing to accelerate the fall of —the ancient landed proprietary of the country. I believe the tie which binds them to the soil is one of the greatest securities for the stability of our institutions, and for the general contentment and happiness of the country. And it is no satisfaction to me to be told that, if, by your legislation, the difficulties which now crowd upon and press the owner and occupier of the land are found insuperable, a new class of proprietors may be set in the place of those whom your legislation may have driven from their paternal homes. The noble Lord will forgive me, when I say, that it is impossible that the owner and occupier of the soil should have their means curtailed, their resources diminished, and their capital reduced almost to nothing, and that the condition of the agricultural labourer should at the same time be improved. I may be told that there is great improvement going on in agriculture, and great employment given to agricultural labourers. I do not believe, my Lords, that, generally speaking, employment is given by the occupier of the land; in most instances it is, to an extraordinary amount, given by the owners of the land, who, rather than part with their property, are ruining themselves by making improvements in order to prevent the labouring classes from being thrown on the poor-law; the owners of the land are making those disinterested exertions, even though by doing so they may be furnishing the free-traders with an argument of the increased prosperity of the country, deduced from the diminished number of paupers in the workhouses, as compared with last year. There is one paragraph to which I do not wish to be supposed to express my assent—that in which Her Majesty says, "It is my confident hope that the prosperous condition of other classes of my subjects will have a favourable effect in diminishing those difficulties, and promoting the interests of agriculture." We receive with every respect the expression of Her Majesty's "hope;" but I trust we shall not be called upon to share in the expression of a "confidence" that those difficulties will be diminished to any material extent, or their interests greatly promoted by the prosperous condition of other classes of Her Majesty's subjects. I do not deny that in certain parts of the country the agricultural interest may be benefited by an increased consumption. The prosperity of the manufacturing county with which I am closely connected will undoubtedly bear upon the prosperity of that class of the agricultural community who are not engaged in the cultivation of wheat or corn crops; but with regard to the grower of corn, with regard to all that produce to which the immediate nearness of the market does not give a preponderating preference, the extent of the connexion between the two classes has been materially weakened by the effect of the repeal of the corn laws. It is true that, previous to the Act of 1846, the improved and prosperous condition of the manufacturers bore directly with beneficial results on the agriculturists; but the community of interest which then existed between those classes has since been severed. Your ability to consume more corn now may be advantageous to the agriculture of France —of that France by which we were treated with ridicule and contempt for supposing it ever to be an exporting country; it may be for the advantage of Prussia and the United States of America—that boundless continent which shares the English market in more than an equal proportion with the British producer. The measure by which you professed to legislate against class interests, dissolved the close community of interest which bound together the prosperity of the manufacturer and agriculturist. My Lords, I remain unaltered, nay, strengthened in my opinion, as to the impolicy of the measure of 1846—at all events, to the extent to which it went. I can see no permanency of price which the existing law can cause, unless there be some alteration in your financial system; and I will not deceive the producers of this country, by holding out to them expectations which I do not share. I believe that prices will remain permanently low under the present system—that at those prices the production of the country must materially be diminished, and with it a corresponding diminution in the comfort and the happiness of the most important portion of our population—and in their ability to bear that enormous amount of taxation and debt which no other country in the world could have borne, and which this county never could have borne, if not for the support and encouragement—the factitious encouragement, if you so please to call it—which the policy of this country gave to its own productions and its own industry. My Lords, I now come to another topic of a most serious nature, which I am anxious to handle in the manner recommended by the advice and example of the noble Mover of the Address. It is impossible not to feel that, by recent measures—I do not say by a recent measure, but by recent measures—of the Head of the Roman Catholic Church, there has been an aggression most dangerous and unconstitutional—I will not say insidious—but I will say an insolent aggression upon the supremacy of the Crown of England, rendered more insolent and more offensive by the manner in which it has been carried into effect. My Lords, it is impossible that I should condemn the proceedings which have taken place in stronger terms than those by which they have been characterised by the noble Lord who holds the responsible situation of principal adviser of the Crown. The noble Lord, in a letter which has attained great celebrity, which has produced no small effect on the public mind, says—

> "There is an assumption of power in all the documents which have come from Rome—a pretension to supremacy over the realm of England—and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, as asserted even in Roman Catholic times."

When the noble Lord penned that sentence—when he sent it forth as the deliberate opinion of the head of the Government—when he announced to the people of this country that the Queen's supremacy had been insulted, that the religious independence of the country was threatened, that the rights of the bishops and clergy of the Established Church were invaded, he could not have written, still less have published, that sentence without being aware of the nature of the flame which was about to be kindled. He must have realised to himself the extent and amount of that genuine, spontaneous, firm, Protestant feeling, which has burst forth from one end of the country to the other; and although occasionally in language the intemperance of which I cannot justify, yet not for the most part in terms of hostility against the persons or even the religion of our Roman Catholic fellow-countrymen, but against an assumption of authority and power on the part of a foreign prelate—potentate, under existing circumstances, I can hardly call him—which has been denounced in the strongest terms by the Prime Minister of the Crown. But when the noble Lord made that appeal to the feelings of the people of Great Britain and Ireland—when he called forth that expression of Protestant feeling from all parts of the kingdom—when he obtained for himself a popularity which the profession of sincere Protestant and religious feeling, and the maintenance of the honour and authority of the Crown will always obtain in this country, when the noble Lord did this, I think he could hardly have taken that step without having deliberately calculated the cost, and considered the magnitude and of the struggle in which he was about to engage. My Lords, we are not now entering upon the question of this or that act; we are not dealing with a single act, but with a succession of acts of aggression on the part of the Pope of Rome, which the noble Lord has characterised in the strongest terms. We are protesting against the interference, the insolent, and unauthorised, and illegal interference of a foreign Power in the domestic affairs of this country. This is no question of religious controversy. I trust that neither in this nor the other House of Parliament will it be treated as a question of the comparative purity or corruption of the doctrines of the Reformed or of the Roman Catholic Church. With that we have nothing to do. God forbid that I should desire on account of their religion to deprive my Roman Catholic fellow-countrymen of the full, perfect, and entire exercise of their religious freedom, or restrict them in the enjoyment of any civil right which has been conferred upon them! If that be what is demanded by the Protestantism of the country, I cannot share the triumph or partake the gale; for these are not my views, these are not the feelings with which I approach the question. But, my Lords, the question is this—shall the

Roman Catholic Prelate, shall the head of this Roman Catholic Church, be permitted to exercise in this country, uncontrolled and unchecked, a mischievous and dangerous interference, not with names and titles, not with shadows and ideas, but with substantial realities, in the government of the country? That is the question you have to ask—that is the struggle on which you are about to enter. If the letter of the noble Lord means anything, it means this—I will vindicate the supremacy of the Crown—I will vindicate the rights of the bishops and clergy—I will vindicate the undivided sway of Her Majesty and the Parliament over the domestic concerns of this country—and I will not permit any foreign Power or authority to interfere with the administration of this country and the authority of the Queen and the Parliament. I can understand the feeling which since 1829 has led successive Governments and successive Parliaments to shut their eyes to matters which they flattered themselves were insignificant. I may regret now that the evil has not been checked at the outset; for I find that every act of concession and toleration, and every manifestation of reluctance to enforce the law when any violation of it has taken place, has been looked upon as indications of weakness; and growing by impunity, growing by continual success, these encroachments have become greater and more formidable, more determined, and more resolute, until at last they have reached a pitch at which the Prime Minister of the Crown declares in the most solemn manner that to tolerate them is inconsistent with the supremacy of the Crown and the religious and political interests of the country. Don't let us underrate the magnitude of the struggle on which, if you mean anything, you are about to enter. If you mean nothing—if you mean to introduce some measure, to put some new enactment on the Statute-book, which is to be evaded or not enforced—if you disallow the title of Bishop of Nottingham, but enable the Bishop of Nottingham and other bishops to complete their synodical organisation, and, through that means, to exercise boundless control over the consciences of their Roman Catholic fellow-subjects—I tell you you have done nothing towards meeting the emergency—I tell you that you will make your Roman Catholic fellow-subjects the victims of a tyranny which their Roman Catholic ancestors in Roman Catholic times, and under a Roman Catholic sovereign, would never have submitted to. I do not altogether agree in the conclusions of my noble Friend on the cross benches (Earl of St. Germans). I say that which you do with regard to England you must do with regard to Ireland—that that which is a violation of the supremacy of the Crown in England is an equal violation, and to the same extent, of the supremacy of the Crown in Ireland. You cannot separate the Church which, once for all, was indissolubly united at the period of the Union. Do not shut your eyes to the gravity of the occasion. If you mean to palter with this question, after having roused the feelings, the expectations, the religious—I will not call them prejudices—but the strong religious feelings of the Protestants of England, of Scotland, and of Ireland, you finish by a most "lame and impotent conclusion." Affecting to touch the shadow, but not dealing with the substance of the injuries of which you complain, you will rekindle that religious animosity, the kindling of which, under any circumstances, I should deeply deplore, instead of coming to a satisfactory determination of the question by the intervention of Parliament. I have already said that, for one, I will not consent to deprive my Roman Catholic fellow-countrymen of one jot or tittle of those civil rights which were conferred upon them by the Act of 1829. I know not, my Lords, what may be the measure which we shall be invited to consider on the part of Her Majesty's Government. Whatever it may be, we will approach the consideration of it with the hope of finding that, at all events, it will realise those expectations which the Prime Minister has excited. We will hope to find in it a law by which the free exercise of Roman Catholic worship, by which the full performance, the full possession, of civil rights on the part of the Roman Catholics may be reconciled with the clear and substantial vindication of the supremacy of the Crown; and, not in words but in actions, a practical repudiation of foreign interference by prelate or by cardinal, which shall render it impossible for the Roman Catholic hierarchy to impede—as I fear, in the case of the Irish colleges, there is some danger they may impede—a measure desired and claimed as highly beneficial by a large portion of the Roman Catholics themselves, and by one-half the Roman Catholic bishops in Ireland. I say, I trust, with the maintenance of entire religious liberty, with the maintenance of the full civil rights of the Roman Catholics, the measure which you introduce will prevent the dangerous and mischievous and successful intermeddling of a foreign Prelate, whose infallibility, as we are told, has been deceived by false representations relative to the affairs of Ireland by interested parties; and that we shall maintain for the Crown and Parliament of England the entire administration of our own internal affairs, whether ecclesiastical or civil. We shall look with great anxiety for the measure to be submitted to Parliament by Her Majesty's Government. I warn them that if it falls short of the just expectations of the country—I warn them that if, in appearance only and not in substance, it provides a security against those wrongs and insults of which the Prime Minister complains in such forcible terms—then will rest upon the heads of the Government a heavy responsibility, for having trifled with the feelings—with the strongest and holiest feelings of the people of this country—for having unfairly roused the hopes and expectations of Protestants, and I believe, if they would speak out, of a large portion of the more enlightened and liberal Roman Catholics, who will not be contentedly reduced to a state of submission to which Roman Catholic Parliaments never submitted. I do not hesitate to say that you ought now to consider fully and deliberately, dispassionately, temperately, but at the same time firmly, the whole of the difficult question of the relation in which the Roman Catholic subjects of this country stand to the Crown. In the year 1829 certain securities were introduced, which it was supposed would be effectual securities to the Protestant Church. My Lords, I think it the duty of the Government deliberately to examine those securities. If they are offensive, as they may be, to Roman Catholics, and at the same time, give no real security, and no real protection to the interests of Protestantism—if they are incapable of being enforced—if they encumber the Statute-book as a dead letter—sweep them off, and do not leave yourselves the odium of enacting them without gaining the advantage to be derived from enforcing them. But if there be cases in which the securities intended to be effectual have proved, from whatever cause, incapable of being applied—if the law does not touch the cases which it was intended to touch—if encroachments not then contemplated have been committed on our liberties by the See of Rome and the prelates either in England or Ireland—I say it is no violation of liberty, civil or religious, that you should make those securities what they were intended to be. The dangers of which the Prime Minister speaks must be met. You must look at the whole matter in the case calmly and dispassionately. You must not content yourselves with trifling legislation, but to the extent to which the danger exists, to that extent you must boldly and unflinchingly apply a remedy. If that be the course pursued the Government, no feeling of political difference, no feeling of party, shall preclude them from obtaining the assistance of that great body with which I have the honour to act. We do not desire to deprive them of the just popularity which they will obtain by enforcing the rights of the Crown, and the independence of the Church of these realms, without injury to the civil rights of those who dissent from the Church. But on the other hand, I warn them, if they do not deal firmly with the whole case, far better would it be that they should not attempt to legislate at all—far better still would it have been had they submitted even to this last and greatest encroachment which we have sustained from Rome. Deal manfully and boldly with the question, or deal with it not at all. Don't assume to control a power by merely ignoring, its exercise, or imposing an irrecoverable penalty upon its evasion or violation. Deal with it boldly. You will have the assent and support of your political opponents and the country at large. Palter with the question—flinch from it, seek to mitigate and palliate, but not to remedy, and you will incur the contempt of the country at large; you will prove your own incompetence to deal with evils the magnitude of which you have not hesitated to proclaim. I wait with deep anxiety the measure which Her Majesty's Government intend to submit to the consideration of Parliament, and I earnestly hope that the question may be dealt with in a manner suitable to the emergency of the case.

The DUKE of RICHMOND was not at all surprised at the result of free trade. From the commencement of the system he could not conceive it possible for the British agriculturist to compete with the foreigner with any degree of success. It was idle to talk to the British farmer of the necessity of persevering and improving his land and farming high, when the capital now laid out did not produce any reasonable return. They had been told by the noble Seconder of the Address, that he had no doubt the prosperity of the manufacturing and commercial interests would ultimately reach the agriculturists; but he wished to know what was to become of the tenant-farmers of Great Britain and Ireland whilst they were waiting for the change. He feared that instead of agriculture being more flourishing than manufactures and commerce, it would become more depressed, and the whole be involved in ruin. The farmers were, he was happy to say, at the present moment loyal, but he declared to Heaven that he feared they might not long remain so unless justice was done them. A great number of the small landed proprietors had been driven to the Continent; and when a reference was made to the poor-rate, they should remember the enormous number of agricultural labourers who had been obliged to emigrate to foreign lands. He did not know how many hundred thousand went out during last year, and many at the expense of the poor-rate. By the measure of free trade they had done neither more nor less than this—they had entirely crippled the landed interest of the country—they had forced many of the occupiers to leave the occupations which they and their forefathers had for centuries held, and to proceed to far distant lands, and under other Governments and other laws to obtain the justice which was denied them in the land of their birth. He had no hesitation in saying, that if free trade was for the benefit of the great mass of the people, he should not feel so strongly as he did; but it had ruined the landed proprietors, crushed the tenantry, and forced the labourers to emigrate; and for what? Why, to give money to the avaricious cotton spinner of Manchester, who, to sell his cotton goods, would sacrifice every law, both human and divine. He agreed with his noble Friend that, after the Speech which they had heard from the Throne, the Government should not be expected to relieve those who were wealthy, but that they should take off some of those burdens which affected and oppressed the landed interest; and, more than that, he considered that attention should especially be directed to the relief of those who were paying a rental of 100*l.*, 150*l.*, to 200*l.*, for their farms. If this were not done, he predicted that a feeling of a most serious nature would arise amongst the agriculturists of this country. The unjust and unequal taxes which oppressed them ought to be removed: even if this was done it would not be sufficient, and the agriculturists of this country would not be satisfied unless they had a restoration of their rights — fair protection to domestic industry—and if they followed his advice, this should be their demand. There ought to have been more said in the Address upon the subject of this distress; and he believed there would have been, but for the reasons given by his noble Friend. Therefore, as their Lordships would shortly have an opportunity of considering that question, not once, but repeatedly, he, for one, should certainly not move an Amendment upon the present occasion; but he warned their Lordships that they must not neglect to do a great act of justice to that large and influential body of the middle classes—the tenant-farmers of this country. And now with respect to the Papal aggression, he must say two or three words upon that subject, because he was one of those who opposed the Roman Catholic Emancipation Act to the very last, and believed it to be one of the most dangerous measures which their Lordships had ever passed. They chose, however, to pass it, and now they had this aggression, which might have been anticipated. He had always found that when the two great political parties—the Government and the Opposition parties—agreed upon any important question, they were sure to be wrong; as instances of which, he mentioned the passing of the Catholic Emancipation Act, and the free-trade measure of 1846, which was now found to be an injustice to the people of England. He did not agree in all the abuse which had been heaped upon the Bishop of Rome; for he was not surprised at what the Bishop of Rome had done. He saw that the Government patronised and consulted the Roman Catholic bishops and clergy in Ireland. He had found the House of Commons always disposed to concessions; and the Bishop of Rome had made the mistake of supposing that the House of Commons represented the people of England, which every one in England knew was not the case. Besides this, the Bishop of Rome had seen the House of Commons passing Bills to introduce Jews into a Christian Parliament; and a good many of the right reverend bench voting for the admission of Jews. Why, after that, the Bishop of Rome naturally thought that there was not a very strong Protestant feeling in this country. Now, he considered that the letter of Lord John Russell to the Bishop of Durham must be taken as the letter of the British Cabinet. They had never contradicted it, though they had had opportunities of doing so, had it not embraced their sentiments, and he must, therefore, believe that the Cabinet Council concurred in it. He trusted, then, with respect to that part of it which spoke of the Papal aggression, that the Ministry would not allow themselves to be humbugged; and that with regard to the agriculturists they would return to protection, in order to restore the energies of the British farmers. He had expended a large sum of money, as most men had done, in improving the land of this country; but he would most distinctly say, that if free trade continued, and if the prices which now ruled continued, he would never spend another shilling of money for such a purpose; for he was one of those who did not like to spend good money in search of bad.

The EARL of WINCHILSEA was prepared to contend that no man could place his finger upon any point in English history in which the political horizon presented so dark a prospect, or in which England stood in so humiliating and degrading a position. Great and imminent as were the dangers which had threatened this country throughout that long and eventful war in which the contest had been for national liberty, in his opinion those dangers sunk into perfect insignificance when compared with the domestic calamities which were now impending. At that period England was a united country, and a Protestant country. The Legislature was Protestant—the Sovereign, that House, and the House of Commons, were Protestant. But from the passing of the measure of 1829—that measure to which he had given so strenuous an opposition—the country had ceased to be a Protestant country as far as the Legislature was concerned. It was, however, perfectly true that the great body of the people were Protestant, and the strong feeling which had gone through the length and breadth of the land in reference to the recent aggression on the part of the Church of Rome, must have convinced their Lordships that there was in this country a strong attachment to the Protestant faith, and to our Protestant institutions. He hoped that nothing would fall from him in the course of the debate which would be likely to hurt the feelings of any one; for he was a true friend to religious liberty, and God forbid that in this country any man should not have full liberty to enjoy his own religious opinions! No man would do more than he to ensure that liberty; but he contended the right exercise of political power was to uphold those laws which had been enacted for the benefit of the great majority of the people of that country; and as he had warned them on previous occasions, he never would cease to use that political power against that Church which gave no toleration to those who differed from it on any point. He remembered reading several extracts from a book published in 1826, entitled *Catholicism in Austria,* written by an Italian nobleman—Count dal Pozzo—a member of the Church of Rome, which described the policy of the Romish Church in the most exact manner. [The noble Lord then proceeded to read extracts at considerable length from the book in his hand.] The author, as their Lordships would see, described the Church of Rome as long-suffering, patiently waiting until the times changed in her favour. That long endurance would not cease until the Romish religion was established in this country. He contended that in every instance in which we abandoned the sound principles of the Reformation—the scriptural principles of those Protestant men who were the instruments, in God's hands, in bringing about the Reformation—in every instance in which the Legislature had consented to give increased power to the Church of Rome, national reverses and domestic difficulties had resulted. He knew not what measures would be presented by Her Majesty's Government; but if they were measures founded upon the principle of expediency, they might avert the evil for a few short years; but, most certainly, a great struggle must speedily take place between the Protestant feeling of this country and the Church of Rome, and against the return of her power, which never would be effected without first involving England in the horrors of a civil war. What a melancholy prospect this held out, and what a fearful result might they not anticipate! The Protestant feeling of this country rested upon sound principles, and he was sure, upon an occasion like this, there would but be one feeling of resentment at the aggression and insult which had been offered to the Sovereign. He for one would redeem the pledge which he had made in 1829, and should oppose every attempt to increase the power which had been placed in the Church of Rome on every occasion. No sacrifice could be too great to prevent such a result. He, and many other Members of their Lordships' House, remembered the time when almost every Power in Europe was banded against this country; but England had triumphed over every difficulty, and her arms had been attended with unparalleled success. Such, too, he hoped would be the case now. He was aware that the emissaries of Rome had been sent into this country by thousands in all disguises. The Jesuits, under the garb of Protestant teachers, had got possession of our village schools through the length and breadth of the land. They must be prepared for a mighty struggle. He would tell them his honest opinion, that, if they allowed the Church of Rome to gain any further footing in this country, England would speedily sink into the same degraded state as Ireland. With regard to the other subjects of the Address, he must tell them that he came from one of the largest agricultural counties in England; and, at the present moment, in that county of Lincoln there were more labourers out of employment than had ever been remembered at any period. The farmers felt that they were abandoned. The foreign market was preferred to the home market; but they might depend upon it the home market was the true market to which they should turn their attention. It was his firm conviction that this neglect of the agricultural interest—this abandonment of it to unrelieved distress—would most certainly end in throwing the country into the last state of discontent.

Lord CAMOYS said, he must apologise to the House for claiming their attention, but there were occasions on which the least important Member of the House might be pardoned for intruding his opinion upon them. It was not his intention to enter into all the topics contained in Her Majesty's Speech, but he would confine himself to one most important to their Lordships, most interesting to him. He was, as was well known to their Lordships, a Roman Catholic—his family had been so for many generations, and he was not ashamed to confess that he took pride in belonging to that ancient and unchangeable faith. At the same time, he was an Englishman, and the rights and liberties of this country were no less dear to him than to any one of their Lordships. He admitted the spiritual supremacy of the Queen over the Church of England, to the fullest extent that the most orthodox member of that Church could desire, and he acknowledged the supremacy of the Pope over the Roman Catholics of this country in spiritual matters; but he protested against the exercise of any temporal power on the part of the Pope in this country, and it was his duty also to protest against any undue or unnecessary exercise of spiritual power violating the constitution of the country. He had watched the struggle for Catholic Emancipation with the deepest interest, and had witnessed with heartfelt satisfaction the triumph which the principles of religious liberty then obtained. Without stopping to inquire into the motives of passing that measure, as others had done, whether it was yielded as a concession to the renewed importunities of the Catholics, or granted to their just claims in a matter of right—whether it was the gift of generosity or the concession of expediency—it was liberally granted, and acquiesced in by the nation. At the passing of that Act, no written or express compact was made between the Roman Catholics and Protestants, but there was this moral compact understood between them. The Protestants said to the Roman Catholics, "You shall be admitted to all the rights and privileges of the British constitution—you shall enjoy, with us, all the benefits of civil and religious liberty; but you shall not seek to molest us in our Protestantism." And the Roman Catholics, on their part, said, "We agree to that arrangement, and we are ready to take an oath to that effect." There was this moral compact entered into, and he was prepared to say, on the part of the Roman Catholics of England, that it had not been violated. The duty and the policy of the Roman Catholics of England, after emancipation, was by their conduct to convince those who had supported them that they should have no reason to repent the service performed, and to show those who had opposed them that there was no justification for the opposition they had made. He believed he might safely assert that this, which was the duty and the policy of the Roman Catholics of England after emancipation, had also been their conduct as a body, although it could not be disputed that the conduct of many of the Roman Catholics, and especially of many Roman Catholic clergymen, had been such as apparently to confirm those who had opposed Roman Catholic emancipation in the justice of their opposition. He was anxious to take a fair and impartial view of the establishment of the Roman Catholic hierarchy in this country, to defend it where it could fairly be defended, but, at the same time, to censure and condemn where censure and condemnation were due. And first of all let him look at the policy of the late hierarchical introductions, as regarded the Roman Catholics themselves. At the period of those introductions the Roman Catholics of England were on the best possible terms with the Protestants ; they were in the full enjoyment of religious toleration; they had the benefit of perfect equality before the law ; they were increasing in numbers; they were increasing, though not largely, but still increasing, in wealth; they were building new churches and chapels, and many of these very beautiful structures, in various parts of the country; many persons were coming over to them from the upper ranks of Protestant society; several clergymen of the Established Church had joined their communion, their conversion having been the work not of Roman Catholic priests, but of their own close investigation of the question between the two religions, resulting in the conviction—right or wrong, it was not his business there to determine—that the religion they quitted was wrong, and the religion they joined was right. The whole tendency of things was to give stability to the Roman Catholic body in this country, to enlarge and to adorn it. Under such circumstances, it was obviously the very worst policy—the most culpable error—to seek to introduce into this country a Roman Catholic hierarchy. The attempt was manifestly founded on the most entire ignorance of the religious condition of the people of this country. Any person, indeed, who had been of late years in Rome, and had conversed with its people, must be aware what extravagant ideas prevailed there as to the religious condition of England. It was supposed that because a few clergymen of the Established Church had joined the Roman Catholic faith, at least one-half of the people of England were also ready to join it ; this important fact being entirely overlooked, that although it was true several Protestant clergymen had gone over to the Roman Catholic persuasion, in no one instance had their congregations followed them. It was said that the persons called Puseyites had been to a great extent the cause of the late step on the part of the Pope. If by this it was meant that the Puseyites had directly interfered to invite this proceeding, he was prepared to deny the statement; but, so far as the quarrels which had arisen in the bosom of the Established Church itself might be chargeable indirectly as the cause of that aggression, the Puseyites, no doubt, must take their full share of the responsibility. It would be, however, very bad taste in him to make any further reference to these quarrels in the bosom of the Protestant Established Church. With reference to the establishment of the hierarchy itself, he did not so much blame for it the Papal Government, ignorant as that Government was of the religious condition of England, as he blamed those Englishmen who had advised the Papal Government in the course it had taken. Those persons he considered to have very much indeed of the responsibility weighing upon them. They ought to have told the Pope—England is a Protestant country—her constitution, though extending its benefits politically and socially to all, is essentially Protestant—the Crown is eminently Protestant—the people, with the exception of the Roman Catholic Members, are universally Protestant. He would not now enter into the question of the difference between vicars-apostolic and bishops, but he would briefly advert to the question which had been dwelt on, both in that House and elsewhere, whether in the establishment of a Roman Catholic hierarchy any actual law had been violated ? It was said the Roman Catholics had violated three Acts of Parliament, the 1st Elizabeth, the 13th Elizabeth, and the 24th clause of the Emancipation Act of 1829. The penalties imposed by the 1st Elizabeth had been repealed by statute, but the rest of the statute remained in force. What did the 1st Elizabeth prohibit ? It prohibited the acknowledgment by any English subject of the supremacy of the Pope of Rome. When, however, by Acts of toleration and the Emancipation Act, you tolerated the Roman Catholic faith in England, you tolerated therein the essentials of that faith, and, tolerating these, you tolerated the recognition by the Roman Catholics of England of the spiritual supremacy of the Pope. Yet that was a point strictly provided against in the 1st Elizabeth. But it was not too much to say, that if the provisions of a subsequent Act were incompatible with, or contrary to, those of a prior Act of Parliament, the provisions of the prior

Act were thereby repealed. He therefore asserted that the provisions of the 1st Elizabeth were practically repealed, and that the Roman Catholics had not by their recent acts offended against the laws of this country. He wished now to read to their Lordships a very valuable opinion given on the occasion of the passing of the 9th and 10th Victoria, by Lord Lyndhurst, then Lord Chancellor. His Lordship most distinctly declared that it was no crime for a Roman Catholic in England to maintain and defend the spiritual supremacy of the Pope; that, on the contrary, he was, as a Roman Catholic, bound to do so, with this restriction, that he must not maintain or defend it with any purpose mischievous to the realm, or injurious to the authority of the Crown, for that would be an offence at common law. [*Hansard*, vol. xcv. 1252; xcvi. 310.] But if he maintained and defended, as he was bound to do, the dignity and position of his spiritual superiors, he (Lord Lyndhurst) was bound to say, such was no offender at the common law. But, at the same time, that was to be done in a way that would leave intact the constitution of this country, involving the supremacy of the Queen of England and her temporal power. Such was the opinion of that great authority on this point; and he (Lord Camoys) had quoted it with the greatest satisfaction, because it was an answer to a contrary opinion expressed by a distinguished individual at a public meeting in the country. What he had said was equally applicable to the 13th Elizabeth, which forbade any communication with the Pope of Rome on the part of British subjects; but this prohibition, equally with the enactment of the 1st of Elizabeth, had been virtually repealed, and on precisely the same principle, by the Acts of toleration and the Emancipation Act. If they tolerated the Roman Catholic religion, they must tolerate communications with the Pope. He turned now to the 24th clause of the Act of 1829. The 24th section of that Act, after setting forth that the Protestant religion is the established religion in England, Ireland, and Scotland, went on to enact that any person assuming the style, title, and dignity of any archbishop, bishop, or dean belonging to the Established Church in England or Ireland (Scotland not being recited, there being no such titles in Scotland to appropriate), should be liable to a penalty of 100*l*. Their Lordships would observe that, as far as the Roman Catholic hierarchy were concerned, it was not necessary for the Legislature to include England, for at that time no such title had been assumed by the Roman Catholics in England; they were laying the foundation for, and were paving the way for establishing a similar state of things in England to that which then existed in Ireland. That, too, was well known, and yet the Act of 1829 had been so framed; and therefore he concluded that, so long as the Roman Catholics refrained from assuming the title of any Protestant dignity, they did not offend against the law. In reference to the Royal prerogative, if you compared the titles derived from the fountain of honour in England with those emanating from the Pope, there was no analogy between them: the former gave legal rights and precedence; the latter none whatever, and in no way whatever practically trenched upon the prerogative of the Crown. If he (Lord Camoys) were to call the next person he met in the street Archbishop of Westminster, he would be as much Archbishop of Westminster in point of law as Cardinal Wiseman. The Roman Catholic bishops had assumed titles in various parts of the country from places untouched by the Protestant hierarchy; but, in case the Government should think proper to establish a bishopric in one of such places, if, for instance, they were to constitute a Bishop of Birmingham, the Roman Catholic Bishop of Birmingham, if he should persist in retaining his title, would render himself liable to the penalty of 100*l*. But, until that occurred, or something similar, the Roman Catholics could not be said to have violated the law. He said he must notice an opinion published by his noble Friend (Lord Beaumont) who he was sorry had left the House, to the effect, that the Roman Catholics were reduced to this alternative, that either they must violate the constitution, or they must break from Rome. He (Lord Camoys) denied that they were reduced to that alternative; he denied that they must violate the constitution, because the Roman Catholics had kept within the law. But, in addressing himself to their Lordships in such a debate, he could not pass over one of the features connected with this transaction: he referred to the celebrated letter of Lord John Russell. In common with all other Roman Catholics throughout the world, when he (Lord Camoys) read the letter, and found his religion stigmatized as a mummery and superstition, he felt insulted. He had not, however, looked upon that letter as the letter of the Cabinet or of the Government. He would refine upon the distinction; he had not looked upon the letter as the letter of the Prime Minister; he had looked upon it as the letter of the individual, and he was confirmed in that opinion when he saw that the Cabinet, on meeting the Parliament, did not act up to the spirit of that letter. He had asked himself next the question, could Lord John Russell have really meant to insult the Roman Catholics? and he had been brought to the conclusion that such could not have been the case. When he looked around him and saw Roman Catholics in the House of Peers, representing families of ancient descent nearly related to many Protestant Peers, and even to some on the episcopal bench—when he saw Roman Catholics in the House of Commons representing popular constituencies—when he saw Roman Catholics about the person of the Sovereign—when he saw Roman Catholics in office, in various stations, superior and inferior—when he saw that a minority of the people of England, and the large majority of the people of Ireland, composing, in the aggregate, one-third of the population of the country, were Roman Catholics; and when, moreover, looking abroad, he saw that the population of Spain, of Portugal of France, and other countries, with all of which we were on friendly relations, as stated this day in Her Majesty's Speech, and with the Royal Families of which our own Royal Family were allied by close family ties, were Roman Catholics, he could not conceive it possible that Lord J. Russell had intended to insult the Roman Catholics. There was this circumstance, too, to be borne in mind with relation to this letter, that it was written under circumstances which might very fairly be supposed to have been most annoying to Lord J. Russell. It was clearly the duty of Cardinal Wiseman, invested with the title of Cardinal, and bearing the Papal letters he proposed to publish in England, to have sought an interview with Lord J. Russell for the purpose, at least, of informing him of his intentions; and it was perfectly natural that Lord J. Russell should have been greatly annoyed at this want of duty and courtesy. That the letter should have been shown, in the first instance, to our ambassador abroad (Lord Minto) did not alter the matter. It was totally immaterial whether it was shown, or whether that person approved of it or not. Cardinal Wiseman ought to have sought an interview with the Prime Minister of this country. Before he sat down, let him express the great satisfaction he had felt at observing the liberal feeling which had pervaded all the public meetings on this subject; seldom had any resolution been passed which went beyond what the meeting deemed it essential to maintain for the defence of their own religious rights and liberties; at few of them had there been any manifestations of a desire to withdraw from others the toleration conceded to them. He concluded by thanking them for the indulgence they had shown him.

The Marquess of LANSDOWNE: The noble Lord behind me (Lord Camoys) has delivered his sentiments in a manner which all your Lordships must have felt indicated a degree of good judgment, of candour, and of manliness upon his part, which reflects on him the highest honour. I have, and must have, the greatest satisfaction when I refer to those sentiments, coming, as they do, from a person connected by hereditary ties, for centuries past, with the Roman Catholic body of England, and expressing, as they do, the result of his own observation and knowledge of this country. Such sentiments, emanating from such a quarter, I am justified in observing, outweigh a hundredfold those sentiments and those proceedings which have originated in the most profound ignorance of the past history and the present condition of this country. With regard to the topics adverted to in the course of this debate, it would be quite unjustifiable in me to detain your Lordships by going into them in detail. I may, however, be allowed to advert to one or two points which will, I dare say, be deemed of some importance by noble Lords on all sides of this House. The noble Lord opposite (Lord Stanley), in alluding to particular points in Her Majesty's Speech, made some remarks which deserve notice. Although he has maintained some reserve, and hesitated to strike, yet with regard to the most important propositions in the Speech, and the outline of the policy which it indicates, he has expressed his entire concurrence and full approbation of the sentiments so ably uttered, both by my noble Friend who moved, and my noble Friend who seconded, the Address—sentiments, in every one of which I am able to express my entire concurrence, and which I believe met with the general approbation of this House. I shall refer to two or three points to which the noble Lord more especially adverted. The foremost in point of order was the foreign policy of this country. To that the noble Lord had nothing to object, except that the Government betrayed somewhat of indifference to the affairs of foreign countries, and did not take those active measures of interference which in some quarters were deemed essential—in fact, that our foreign policy had flourished more from inaction and indifference than from active operation. I can refer you to the transactions which have lately taken place in Germany—to the difficult negotiations intended to have settled a question of right—a question which was complicated by other questions of policy throughout the German empire, which presented at one time every sort of difficulty, and referring you to these, I ask if the policy of this country has been at all indifferent in its character? On the contrary, although it did not become this country—which was not directly interested—to bring itself forward as a principal in a contest in which it had no legitimate share except from a regard to the general interests of Europe, it did interfere; and I am quite warranted in saying that, during the whole of these transactions, there was not an instance in which the interference of this country was not beneficially employed, and was not acknowledged in a proper manner by every one of the States brought into direct conflict with the dispute. I am not disposed in any degree to diminish the tribute of respect which has been paid by the noble Lord to the Governments of almost all other countries. I can, however, assure the noble Lord, and this House, that the Government of this country has made itself heard, and heard with effect, during the whole course of the progress of these transactions. The noble Lord afterwards referred to the state of distress in this country, under the influence of what is called free trade. I am not prepared to raise the general question now. I shall take the opportunity, at the proper time, of pronouncing my opinions on the subject. In the meantime, however, I deny the proposition which he has laid down, for although it be admitted that considerable distress may exist amongst particular classes of the community, it is not for one moment to be allowed that the bulk of the population is affected by that distress, or even that the whole of the population in agricultural counties are in a state of distress, for a considerable proportion of the agricultural counties enjoy general prosperity. It is impossible if distress were universal among them, that there would be visible those unmistakeable signs, those unequivocal proofs of prosperity, which are certainly visible. We have seen an increasing consumption, which nothing but the welfare of the great masses of the country could produce. That consumption has been going on from year to year, not by starts, nor suddenly, nor accidentally, but with a slow and measured pace, affording ground for the most perfect security that consumption would go on increasing, and justifying the policy of Her Majesty's Ministers in recommending Parliament, year after year, to take off great and productive taxes. The effect of the remission of these taxes in stimulating consumption, only serves the better to show the soundness of the financial system of this country; for, notwithstanding the abolition of the bread tax, the revenue has been buoyant, and has risen beyond the necessities of the State, thereby enabling the country not only to dispense with a portion of taxation in the past, but which holds out the prospect of some still further reduction in taxation. I wish to ask the noble Lord, when he points to the supplies derived by this country from France, whether he thinks the amount of agricultural distress now existing there, and bearing down that country to a much greater degree than this country, because the agricultural population in France is much greater in proportion than it is in this country—I ask the noble Lord whether he is prepared to attribute the agricultural depression in France to the want of a system of protection? In that country free trade has been proscribed from year to year, under different Governments — monarchies and republics — yet what was the condition of the agricultural population of France? Why, that for the least three years agricultural produce in France had been so falling off, that there was not a market throughout France to be compared with the poorest market in England. The state of France, and the prices of its produce, do not afford any argument in favour of protection; for in this country, at this very moment, articles of agricultural produce command a much higher price. As regards the question of Papal agression, whatever variety of sentiment may have arisen in the course of this debate on this subject, I rejoice to find that there has not been a sentiment uttered—not even by the noble Earl (the Earl of Winchilsea) opposite—there has not been a sentiment uttered against the fullest toleration. Toleration has been extended, and, I trust, will always be extended to the Roman Catholic body, and every other religious community in the country. Civil privileges have been granted to the Roman Catholics; and God forbid that under the pressure of any circumstances, however just, we should think of restracing our steps, and going back to a system of what I must call the practical persecution they had been for so many centuries subjected to in this country! I entirely differ from the noble Earl in considering that Catholic emancipation is in any degree to be made responsible for the recent usurpation on the part of the Pope, which has aroused throughout the country such a feeling of indignation. Had the Catholic Emancipation Act not been passed, there would have been afforded the same facility—nay, a great deal more facility—for the perpetration of such a usurpation, for then we would have been on a foundation of injustice while we resisted this attempt on the honour of the Crown, and the feelings of the subject. My Lords, that act has been charactised — and justly characterised — as an act of usurpation. I have heard that attempts have been made by the ablest of the apologists of the Pope to explain away the offensive character of this measure. I have heard it stated that when the Pope in his bull or letters apostolic called on Cardinal Wiseman to assume the dominion of the country, all that could be intended was, that he meant he should assume only spiritual dominion over the Roman Catholic body. I venture to ask if that was the intention, why was not that intention expressed? Was there any difficulty in chalking out the line? Were there no words to be found which could impart it? Was there no language in his power which could impress the intention—which could state that while asserting spiritual control over the Roman Catholics, he meant to respect, and intended to respect, the rights of the Crown and the institutions of this country? Your Lordships should also remember that this proceeding has issued from a Power, remarkable for its attention to forms and to words; and if I saw that throughout the document in question the rights of the Crown and the existence of the Protestant hierarchy were studiously and carefully ignored, no person should persuade me that it was by accident that the inference of nothing more than spiritual dominion over Roman Catholics being intended was to be drawn. I trust that your Lordships will entertain the measure which will shortly be introduced on this subject. A noble Lord has anticipated in that measure certain defects. I do not wish to anticipate the discussion which will take place on the subject, but I will answer the noble Lord on one point by stating, that already—at this moment—notice has been given in the other House of Parliament of a Bill relating to this usurpation as affecting the united kingdom. There is but one other point to which I will now advert, namely, with respect to the arrangements proposed for effecting an improvement in the administration of the law; I may here remark that they are surrounded with difficulty, although this is the most important of all practical legislation. It is intended to provide that security which the noble Lord desiderates, although it is no easy matter to proceed where so many interests are implicated. It is, however, expected that means will be found of effecting a great diminution in the expense of the law, while, at the same time, greater security may be given to the holders of property by an improvement in the registration of deeds and instruments relating to the transfer of property. All these measures will be formally and deliberately considered by this House, and will doubtless secure that attention which their great importance merits.

The EARL of RODEN could not help expressing his satisfaction at the sentiments which had been expressed by his noble Friend who had moved the Address, with every word of which he heartily concurred. With respect, however, to the Speech from the Throne itself, he must say that he had felt great disappointment, and he believed that great disappointment would be felt by the country at large, who were so anxious—who had been raised to such a pitch of excitement—with respect to the subject of Papal aggression. In that Speech there was no reference whatever to the importance of maintaining Protestant principles in this country. He had heard with great satisfaction from the noble Marquess who had just sat down, that it was the intention of Her Majesty's Government speedily to introduce a measure on the subject. Whatever this measure might be, he trusted it would be a measure which, while it admitted the fullest toleration to all parties and sections of religionists, would securely maintain the Protestant institutions from the aggression of the Papal Power. He trusted that this Power would not be permitted to appoint bishops in this country, a prerogative which only belonged to Her Majesty. At present it appeared to be admitted, that if the Pope pleased to appoint bishops and archbishops in Ireland, the individuals so appointed took precedence of barons of this realm and Members of the House, without any reference to Her Majesty, thus taking away from Her Majesty the power of giving precedence. For instance, the Bishop of Ross, who was appointed the other day by the Pope, might assume such precedence; and that such precedence would be allowed, was proved by certain letters made public some time ago, in which the Colonial Secretary desired the authorities to give a precedence to the Roman Catholic dignitaries which had not been granted by Act of Parliament. He trusted that the measure about to be introduced would meet the real difficulty of the case. He would await its introduction with patience, and would be gratified should it prove of a character suited to the remedy of so great an evil. With respect to what had been stated by the noble Lord (Lord Camoys), nothing could be more fair or more open, though perhaps he differed from the noble Lord in some of his views as to the transgression of the law by the appointment of a Romish hierarchy in this country; but whether that appointment was a transgression of the law or not, it appeared that the reason of the appointment was that the canon law might be introduced into this country. Now, he had only to implore their Lordships to become acquainted with what the canon law was, and he believed that if they did so, they would concur in the necessity of preventing its introduction here.

Motion agreed to, *nemine dissentiente;* and a Committee was appointed to prepare the Address. The Committee withdrew; and, after some time, Report was made of an Address drawn by them, which, being read, was agreed to, and ordered to be presented to Her Majesty by the Lords with white staves.

CHAIRMAN OF COMMITTEES.

The Marquess of LANSDOWNE said, he was desirous of taking that, the earliest, opportunity of stating to their Lordships that he had received a communication from the Earl of Shaftesbury, that that noble Earl, from his age and infirmities, felt himself unable to continue to discharge the duties of the office of Chairman of Committees of their Lordships' House. He was sure their Lordships would all feel sincere regret for the circumstances that would deprive them of the services of one who for so many years had laboured in that office, and had ever shown in the discharge of the duties attached to it so much attention, ability, and independence. Upon a communication of this nature, and with regard to the appointment to an office so materially affecting the interests of the House and of the public at large, he was extremely desirous rather to take the sense of the House, or even a majority of their Lordships, than to enter upon any discussion as to the choice of a person intended to fill the situation now vacant. Fortunately there were many noble Lords in the House who were well qualified to discharge the duties of the office in question, and in the selection of any noble Lord to fill it he would be guided by the sense of the majority of that House.

Lord STANLEY said: I am sure that every Member of this House must bear in grateful recollection the long services of my noble Friend the Earl of Shaftesbury, as Chairman of the Committees of this House; and I am sure that we must all share in the regret expressed by the noble Marquess, that his advancing years and increasing infirmities have compelled him to resign an office which he has so ably discharged. I concur with the noble Marquess on the importance of finding a fit successor to the office. There are many noble Lords who possess the necessary qualifications to succeed the Earl of Shaftesbury, who, during the long period of time he has held this office has acted with such unvarying firmness and integrity in the discharge of duties most essential to the character and well-being of this House, most essential to the interests of the country at large, and in the discharge of which, to a man of unscrupulous disposition, there were opportunities of serving individual interests without any apparent dereliction of duty. He must say this for Earl Shaftesbury, that it was impossible, under any consideration of personal or private interests, to induce him to consent to that which was injurious to the public, and inconsistent with the rules of the House. No matter what interests were involved—no matter how high might be the station of a person by whom a Bill was presented, if it contained anything which was not in accordance with the rules of their Lordships' House, no temptation whatever would have induced Earl Shaftesbury to swerve for one moment in the consideration of that Bill, one hair's-breadth to the right or to the left. I believe there may be many of your Lordships competent to the discharge of these important duties with equal zeal and equal integrity, and with equal firmness in resisting demands and importunities which may be made upon him; but what I now say will not be considered offensive, when I express an opinion that there is one Member of the House who, from his antecedent career, and from his high character, is pre-eminently qualified for the office. It is of no trifling importance to your Lordships that the office now placed at your disposal should be conferred on one of those who have already fitted themselves for the discharge of its duties; and that an office of such great importance, and such considerable emoluments, may be given to one who will diligently practise the duties he is about to enter upon. The private business of this House is most important, and if it be understood that functions so important as those of the Chairman of the Committees of the House will not be conferred upon motives of party, but will be given to those Members who have devoted themselves honestly to do the business they have to perform, you will encourage many Members to fit themselves for such laborious duties as those of this office. Having stated the qualifications I consider necessary for this office, I will introduce to your notice one whom I consider not as a candidate with whom any question is likely to be made, but who will meet with the approbation of all the Members of the House. But my duty is not to commend my noble Friend, but to propose to the House, with the consent of the noble Marquess (the Marquess of Lansdowne), who has intimated that it is not his intention to offer any objection to the appointment, one of the Members of this House, who, I will venture to say, will discharge the high duties of the office with firmness, impartiality, and good sense, and who also, by an experience of more than fifteen years, during which he has been, I may say, the assistant of the noble Earl who has now vacated the office, and I am sure I must have the concurrence of your Lordships, when I propose that Lord Redesdale be appointed Chairman of the Committees of the House for this Session. I am sure that I can propose no one who possesses higher qualifications, and whose appointment would reflect higher praise on the discrimination of your Lordships.

The DUKE of WELLINGTON said, that some years had elapsed since it was his duty to consider of the person whom he should recommend to the House to succeed to the important office so long and so ably filled by his noble Friend, who he was sorry to hear was no longer able to perform the duties of Chairman of Committees. At that time he earnestly recommended his noble Friend (Lord Redesdale) to attend to the private business of the House, with the view of qualifying himself for undertaking the duties of Chairman of Committees. He was happy to see that his noble Friend had devoted himself, during so many Sessions, to the performance of those duties, and had qualified himself in every degree for their performance. He should several years ago, if it had been his duty to propose a person to that office, have recommended his noble Friend. He was happy to find that he had been proposed now, and he sincerely believed their Lordships could not make choice of a person more capable of the performance of those duties to the satisfaction of the House, and with reputation to himself.

The EARL of HARROWBY said, that having taken some interest in the canvass for the office from the affection he entertained for his noble Friend, he was glad to take this opportunity of expressing his strong sense of the perfect fitness of his noble Friend for the performance of its duties. He had long paid great attention to the private business of the House, he was distinguished for his strong sense of right, his independence was unquestioned, and he had an excellent understanding. On all those grounds he heartily concurred in the appointment of his noble Friend.

The DUKE of RICHMOND had attended to the private business of the House for twenty-three years, and would detain their Lordships with a few remarks with regard both to Lord Shaftesbury and Lord Redesdale. He had seen attempts to influence Lord Shaftesbury in matters relating to private Bills, and he invariably followed what was a very good plan, for he always answered, "I shall do no such thing." He kept the attorneys and agents in very good order; for when they once got a good dressing from Lord Shaftesbury, they never made any such attempts again. He had had an opportunity of knowing that Lord Redesdale had been of the greatest possible service for the last twelve or fifteen years in the private business of the House. The business of Committees had very much increased of late years, and had risen in point of importance also; and it was necessary to watch parties to private Bills, and see that they did not insert clauses in them which were contrary to the statute law. He was sure Lord Redesdale would carry on the private business of the House most efficiently; at the same time he must express his regret that Lord Shaftesbury had found it necessary to retire.

The MARQUESS of **LANSDOWNE** entirely concurred in the proposal which had been made, knowing, as he did, the ability of the noble Lord, his integrity, and his consistency.

The Motion was then put and carried, *nemine dissentiente*.

LORD **REDESDALE** said, it was his duty to return their Lordships his thanks for the honour they had done him in appointing him to this office, and the manner in which the appointment had been made was deeply gratifying to him. He had received on this occasion the support of those with whom he had been connected in that House; and he had also received the support of those to whom he had been politically opposed. He could say that, though from certain circumstances the contest for the office at one time had assumed the appearance of a party character, nothing had been done by him to give it such a character; indeed, he had endeavoured to avoid such appearance, because he felt it ought not to be a question of party. If there was one thing more satisfactory than another in this appointment, it was that it would be a precedent for the selection of a Chairman of Committees from those noble Lords who had devoted themselves to the private business of the House. He could only add that no exertion should be wanting on his part in the discharge of the duties of the office, and he hoped so to order the matters intrusted to his charge, that the character which had been given to the conduct of the private business by the management of his predecessor would be fully maintained by him.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 4, 1851.

MINUTES.] NEW WRITS (*during Recess*.)—For Poole, *v*. George Richard Robinson, Esq., deceased; for Cambridge University, *v*. Hon. Charles Ewan Law, deceased; for Montgomery County, *v*. Right Hon. Charles Watkin Williams Wynn, deceased; for Hereford County, *v*. Joseph Bailey, jun., Esq., deceased; for Limerick County, *v*. Samuel Dickson, Esq., deceased; for St. Alban's, *v*. Alexander Raphael, Esq., deceased; for Aylesbury, *v*. Lord Nugent, deceased; for Nottingham County (Southern Division), *v*. Robert Bromley, Esq., deceased; for Bedford County, *v*. Viscount Alford, deceased.

Now Ordered.—For Falkirk Boroughs, *v*. the Earl of Lincoln, now Duke of Newcastle; for Dungarvan, *v*. Right Hon. Richard Lalor Sheil, Minister Plenipotentiary to the Grand Duke of Tuscany; for Windsor, *v*. Right Honourable John Hatchell, Attorney General for Ireland; for Dungannon, *v*. Viscount Northland, Chiltern Hundreds.

NEW MEMBERS SWORN.—Thomas William Booker, Esq., for Hereford County; Wyndham Goold, Esq., for Limerick County; Henry Danby Seymour, Esq., for Poole; Herbert Watkin Williams Wynn, Esq., for Montgomery County; Frederic Calvert, Esq., for Aylesbury; Loftus Tottenham Wigram, Esq., for Cambridge University; And Jacob Bell, Esq., for St. Alban's, being one of the people called Quakers, made the Affirmation required by law.

PUBLIC BILL.—1ª Outlawries.

The House met at half-after One o'clock.

Message to attend HER MAJESTY; the House went; and being returned,

MR. **SPEAKER** acquainted the House that he had issued warrants for *New Writs* for several places (*See* MINUTES).

ADDRESS IN ANSWER TO THE SPEECH.

MR. **SPEAKER** having *reported* HER MAJESTY'S Speech, and read it to the House,

The MARQUESS of **KILDARE** rose and said: Sir, in rising to move the presentation of an humble Address to Her Majesty, in answer to the gracious Speech She has this day made from the Throne, I know that the House will extend to me that indulgence which they always show to persons unaccustomed to address them, whilst I make a few observations on the topics alluded to by Her Majesty in that Speech. It is a matter of great and sincere congratulation for this House and the country that Her Majesty continues to receive assurances of friendship and goodwill from the sovereigns of foreign States. It is most gratifying at this present moment that peace should be restored to the Continent; and it is a source of still greater satisfaction, that whilst there have been wars throughout a great portion of that continent, this country has happily escaped disturbance, and has been for many years enjoying a profound and uninterrupted peace. It is also, Sir, a subject of deep congratulation, that the peace which has been restored to Europe should be in a great part owing to the exertions of Her Majesty's Government, so that it may reasonably be anticipated that we shall reap the reward of our good offices in enhanced respect and esteem on the part of Foreign Powers. The next subject to which I will allude is that which refers to the measures taken by the Court of Brazil, and which, I trust, will prove more efficacious than any that have hitherto been adopted to put down the horrible iniquities of the slave trade. It is also a source of great congratulation that, notwithstanding the great reduction that has lately taken place in the public taxation, the revenue of the country still presents a flourishing and prosperous condition. Sir, the next subject alluded to by Her Majesty is one on which I cannot congratulate the House or the country. I allude to that depression under which the landed interests of this country still suffer. I trust, however, that this depression will be of brief duration; and that, as the other classes in the country are more or less in a prosperous state, the landed interests will in a short period progress to improvement. The next topic to which I shall allude is also one of a painful nature, inasmuch as it refers to a late most unjustifiable aggression on the part of a foreign Sovereign against this State. It is the duty of this House, whilst allowing full religious liberty to all classes of Her Majesty's subjects, to consider what measures may be most prudent to be brought forward to aid Her Majesty in upholding Her supremacy, and protecting the religious liberty of the people of this country. The next topic referred to by Her Majesty in Her Speech from the Throne, is the contemplated reform in the High Court of Chancery, and the institution of a system for the registration of deeds. I consider that to be a measure of most necessary reform, and fully required by the exigencies of the times. Before concluding, I cannot help referring to that portion of the empire with which I am more immediately connected, and which is such as to hold out good hopes for the future. I feel that after years of famine her condition is improving. In the absence of agitation the minds of her people are turning towards industrial pursuits, and the development of her natural resources. And this beneficial change will, I trust, with the blessing of Providence, raise and improve the general condition of my country. The noble Marquess concluded by moving—

"That an humble Address be presented to Her Majesty, to convey to Her Majesty the dutiful Thanks of this House for Her Most gracious Speech from the Throne:

"Humbly to thank Her Majesty for the assurance of Her great satisfaction in again meeting Her Parliament, and resorting to our advice and assistance in the consideration of measures which affect the welfare of our country:

"Humbly to express the satisfaction with which we learn that Her Majesty continues to maintain the relations of Peace and Amity with Foreign Powers:

"To thank Her Majesty for informing us that it has been Her endeavour to induce the States of Germany to carry into full effect the provisions of the Treaty with Denmark, which was concluded at Berlin in the month of July of last year; and to assure Her Majesty that we participate in the gratification which Her Majesty has been pleased to express in being able to inform us, that the German Confederation and the Government of Denmark are now engaged in fulfilling the stipulations of that Treaty, and thereby putting an end to hostilities which at one time appeared full of danger to the Peace of Europe:

"Humbly to assure Her Majesty, that we participate in the hope which Her Majesty has been pleased to express, that the affairs of Germany may be arranged by mutual agreement in such a manner as to preserve the strength of the Confederation, and to maintain the freedom of its separate States:

"To thank Her Majesty for informing us, that Her Majesty has concluded with the King of Sardinia Articles additional to the Treaty of September, 1841, and for having directed that those Articles shall be laid before us:

"That we rejoice to learn that the Government of Brazil has taken new, and, as Her Majesty hopes, efficient measures for the suppression of the atrocious traffic in Slaves:

" To thank Her Majesty for having directed the Estimates of the year to be prepared and laid before us without delay, and for acquainting us that they have been framed with a due regard to economy, and to the necessities of the Public Service :

" To thank Her Majesty for informing us that, notwithstanding the large reductions of Taxation which have been effected in late years, the receipts of the Revenue have been satisfactory :

" That we learn with satisfaction that the state of the Commerce and Manufactures of the United Kingdom has been such as to afford general employment to the Labouring Classes:

That we concur with Her Majesty in lamenting the difficulties which are still felt by that important body among Her people who are Owners and Occupiers of Land ; but that we unite with Her Majesty in the confident hope that the prosperous condition of other classes of Her subjects will have a favourable effect in diminishing those difficulties and promoting the interests of Agriculture :

" Humbly to state to Her Majesty, that we have observed that the recent assumption of certain Ecclesiastical Titles conferred by a Foreign Power has excited strong feelings in this Country, and that we thank Her Majesty for informing us that large bodies of Her subjects have presented Addresses to Her Majesty, expressing attachment to the Throne, and praying that assumptions should be resisted : That we rejoice to learn that Her Majesty has assured them of Her resolution to maintain the rights of Her Crown and the independence of the Nation against all encroachment from whatever quarter it may proceed : That we also learn with satisfaction that Her Majesty has, at the same time, expressed Her earnest desire and firm determination, under God's blessing, to maintain unimpaired the Religious Liberty which is so justly prized by the people of this Country :

" That we beg leave to assure Her Majesty, that we will devote our best consideration to the measure which will be laid before us on this subject :

" Humbly to state to Her Majesty, that it will be our duty to give our serious attention to the administration of justice in the several departments of Law and Equity ; and to thank Her Majesty for the confidence which Her Majesty feels, that the measures which may be submitted with a view of improving that administration will be discussed with that mature deliberation which important changes in the highest Courts of Judicature in the Kingdom imperatively demand :

" To thank Her Majesty for acquainting us that a measure will be laid before us, providing for the establishment of a system of Registration of Deeds and Instruments relating to the transfer of property, and for informing us that this measure is the result of inquiries which Her Majesty has caused to be made into the practicability of adopting a system of registration calculated to give security to titles, to diminish causes of litigation to which they have hitherto been liable, and to reduce the cost of transfers :

" To thank Her Majesty, for the confidence which Her Majesty has been pleased to express that it will be Her constant care to combine the progress of improvement with the stability of our institutions ; and that we unite with Her Majesty in the conviction that we may esteem ourselves fortunate that we can pursue without disturbance the course of calm and peaceable amelioration ; and to assure Her Majesty, that we feel we have every cause to be thankful to Almighty God for the measure of tranquillity and happiness which has been vouchsafed to us."

MR. PETO: Sir, before I venture on the topics which the occasion, and the gracious Speech from the Throne, naturally suggest, I must throw myself on the kind and never-failing indulgence of the House, and state at once my great anxiety that no word shall escape my lips which shall court debate or suggest a difference, when the House will naturally desire to respond with unanimity in the adoption of the Address which I have the honour to second.

Her Majesty congratulates Her assembled Parliament on the continuance of peace; and when we reflect how much the prosperity of the country is stimulated by peace with foreign States — how much misery is averted—we must rejoice in the fact that the conviction is generally and deeply felt that peace should be preserved at the risk of everything but good faith and national honour. Nor can I resist the pleasure of stating my own deep conviction that human skill and ingenuity are largely contributing to its permanent continuance. The great mechanical power of the age—that important agent of civilisation, steam—by uniting the distant portions of Europe, and consequently binding in ties of friendship and friendly communication distant States, will render them naturally more desirous of peace ; while the terrible impetus it gives to the destructive power of armaments, renders their use more infrequent and dreaded.

Her Majesty has graciously stated Her conviction that recent treaties with Brazil render more hopeful the extinction of the slave trade.

Whatever may be the difference of opinion amongst hon. Members as to the mode in which this will be ultimately effected, in this I take it we are all agreed, that we earnestly desire the utter abolition of this accursed traffic, and that we shall all rejoice when it shall be read of only in the history of the past.

Her Majesty also congratulates Her assembled Parliament that, notwithstanding the large reductions in taxation, the revenue will be satisfactory; and also on the state of commerce and manufactures, and the consequent general employment afforded to the working classes.

Results are the sole tests of legislative measures in the long run—last year duties were repealed or reduced to the extent of about a million and a half. It is true they did not affect the revenue until part of the year had expired; but still they caused, at the least, a reduction of a million. Yet, despite of this, the national revenue has suffered no reduction—it has even exceeded that of the last year; and the Chancellor of the Exchequer is in the happy position of having a surplus at his command. Now the question arises why has not the revenue proportionately decreased? I apprehend there can be but one answer. The prosperous condition of the people, and consequent increase of consumption, has swelled the receipts. I take one item as strongly elucidating this position. The duty on sugar was reduced 1*s.* per cwt.; the consequent loss to the revenue, taking the consumption of the preceding year, should have been 311,454*l.*; but it resulted in a loss of 9,180*l.* only —a good practical reason for reducing other items of large consumption, where the duty presses heavily, and one which I doubt not will have its due effect in future fiscal arrangements.

In a few days the returns of the Board of Trade for the whole year will be issued: the returns of the first eleven months of 1850 will enable us to anticipate the result. The exports for the first eleven months of

1848	were	£44,407,912
1849	...	54,089,809
1850	...	60,400,525

In what did this increase consist principally? In British manufactures—cottons, woollens, linens, silks, and hardware. This increase has taken place, too, under most unfavourable circumstances. The great staple is cotton—at least, the great employing article is cotton; but in the cotton-producing States of America last year there was a short crop; and a rise of price of full 75 per cent over the price of the early part of the preceding year was the consequence. For instance: Orleans cotton was in January 1849, 4½*d.*; 1850, 7⅛*d.* It is well known that a rise in the price of cotton rapidly diminishes consumption: it did so considerably in this instance; but, owing to two circumstances, the effect was much mitigated: First, when the material is dear, the best quality is always run upon by manufacturers, as, for a smaller quantity in weight, they get the higher price. Our skill in the application of machinery, and the high character of the machinery itself, has enabled us in finer fabrics to surpass all competition; and the consequence was, that with all our disadvantages, we partially shut up the American mills, and gave our people full employment. Secondly, full employment secured good wages; and good wages and cheap food enabled the industrial classes to dress well. The foreign market and home consumption kept the mills going, and I find 50,000 more hands employed in the factories in 1850 than in 1847, the gross numbers being—1847, 544,876—1850, 596,028. It may be said that the high price of fabrics helped to swell the amount of exports; but in point of fact, quantity was in excess in reference to cloth, while in yarn there was not only a decrease in quantity, but in value—the increased value being principally in labour. I have the statistics to refer to, but I will not weary the House by doing so. Now, if our manufacturers have accomplished a result so gratifying under unfavourable circumstances, what might we not have expected had the cotton crop been a full one, and had the price of raw material continued low? Instead of fifty thousand additional hands, we should have employed three times that number: the low price of cotton carried us through the year 1847—the high price of cotton acted adversely in 1850. And here I must pause for a moment, and ask, how important is it that we should be energetic in our endeavours to get the railway communications of continental India executed? We are depending on one quarter of the world only for the means of employing our operatives in the cotton factories, when we should be blessing our fellow-subjects by the activities of commerce; and have a fresh market to depend upon, and that, too, the House will recollect, with the employment of free labour only. I desire also to advert to the gratifying fact, that the increase of factory hands to which I have referred, has not been obtained at the sacrifice of infantile energy. There has been a decrease since 1834 of 20 per cent in the children employed, and an increase of 81 per cent in the adults. I think it cannot be denied that the poor of every class are better fed and clothed than they have ever been: if I refer to the poor-law records, I find that the number of ablebodied paupers has largely decreased during the year, and that the amount of general relief has been largely lessened; true, some of the agricultural districts are exceptions, and to which I shall be called on presently to speak. If I refer to our criminal records, I find the facts to be equally gratifying: in the city of Manchester, the returns of persons apprehended for crime in the three last years, are—1848, 6,587; 1849, 6,277; 1850, 4,687. The West Riding of Yorkshire, in its criminal prosecutions, shows a similar result.

I now come to another result of the policy of the present and the last Ministry.

Two years since, London was crowded with deputations ardent in deprecating any interference in the navigation laws: fortunately for themselves and the country, their entreaties did not avail; they returned to their localities to rejoice in the increase of the shipping trade, rather than to mourn its final extinction. It is very true the entrance and clearing of foreign shipping has largely increased, but it is equally true British ships have also largely increased. I will omit all details of ships and tonnage which I have before me for the first eleven months of 1848, 1849, and 1850, and give you the gross increase of tonnage of the first eleven months of 1849 and 1850.

INCREASE OF TONNAGE OF

1849 over 1848.		1850 over 1849.	
British ……	226,207	British ……	162,843
Foreign ……	215,650	Foreign ……	248,531

I have taken the returns of vessels cleared outwards, because I think that is the best evidence of work done; the returns of vessels entering may be affected in a variety of ways apart from the evidence of work done within the period specified. I must also very briefly call the attention of hon. Members to the fact, that the repeal of the navigation laws has not yet affected either the value of shipping or the demand. The shipbuilding of the Clyde—the Tyne—the Mersey—and the Thames—is fully equal in its activity to any preceding period, and within the last few days an eminent shipbuilder informed me, the orders for ships and steamers on his books exceeded 400,000*l.* If I refer to the circulars of firms engaged in the sale of ships, I find the same activity of trade indicated. One of the largest firms in England so engaged, and whose place of business is Liverpool, thus writes—

> "It gives us pleasure to state, that the amount of tonnage sold in 1850 in Liverpool, exceeds that sold in 1849, being 81,028 tons against 78,212, showing an increase of 1850 over 1849 of 3—6 per cent.

Now as to the price of shipping, the same circular states—

> "New British ships have fully maintained our last quotation—indeed, we have felt the want of a larger supply of good vessels."

And as to the ships built in the Mersey, their circular shows an excess of tonnage in 1850 over 1849 of 4,609 tons. I have made careful inquiries as to prices ruling at New York, on all the items affecting the price at which ships can be built there. I have failed to find any reason for alarm—their prices of labour exceed ours by more than 50 per cent, while the average of the cost of materials used is quite equal to their cost with us. A great revolution is now taking place in the shipping trade, and which revolution was in progress when the navigation laws were repealed: that measure helped to anticipate the result—a result, I believe, which the retention of protection would have rendered utterly disastrous to us. The old mode of shipbuilding, it is admitted on all hands, will no longer do. Capacity, without speed, is the very reverse of recommendation in a ship; but what the American shipbuilders effected, the Scotch have surpassed—and the result of the trial between the Scotch-built ships and steamers, and the United States, shows us we have nothing to apprehend, but much to gain, if British skill and enterprise be but relieved from all impediments. The merchants and traders of Liverpool are generally considered to be well and practically acquainted with all circumstances which regulate commerce. I have several of their annual circulars before me, and I am struck with the unanimity of their testimony: one of the most eminent says—

> "The present year opens under circumstances of great encouragement. Money is abundant—food of every kind is cheap—general trade is active and remunerative, finding ample employment for the industry of the country."

With all that is so encouraging at home, there are evident symptoms of the general prevalence in foreign countries of sounder principles of international commerce: they are learning the lesson that it is better to buy economically than to manufacture expensively—they are learning that the merchants of England are the best customers in every market, and that our manufacturers are surpassed by none in skill and ingenuity. To illustrate the perfect certainty that such must be in the course of events the policy of every State, let us take France and her iron trade. Her protective iron duties are now so high, and of such comparative amount, that she pays every five years the full value of purchase of every iron work in the kingdom in her own home consumption only. Is it not self-evident that it would be far more the policy of her people to receive our iron—for us in treaty to take her light wines on lower duties, and yielding to our own Exchequer larger revenue than from our present limited consumption, resulting from the almost prohibitive duties of the present tariff?

I now pass to the next point in the Address.

But Her Majesty expresses at the same time the sympathy She feels for the owners and occupiers of land in the difficulties which now affect them, and a hope that the prosperity of the manufacturing and commercial interests will soon be productive of beneficial effect to the agricultural body.

And here I trust I may fairly ask the question—If such is the state of the commercial, manufacturing, and shipping interests, can it be supposed that the agricultural is the only interest not destined to share in the general prosperity? Is land exempt from the great law of progression? It is true that it is impossible for wheat to fall from 7*s.* to 5*s.* per bushel, without causing great anxiety to owners and occupiers of land; but no one can doubt that commerce has its ever-growing connexion with the soil, and that by the substantial ties of property—and that the interests of all are identified, and also that the fact of distress existing calls for every practical sympathy to be shown—and that by the removing of every unequal burden which the friends of agriculture can show to press unfairly on its interests; and while rejoicing in the fact of the alteration of the law, I cannot hesitate to express my wish that more time had been allowed to adjust the interests which had, under the old and vicious system, been placed in a false position. It is easy to say that this adjustment is entirely an affair of landlord and tenant. It is so; but when we reflect that no good tenant can farm without imparting value to the land which it takes years to abstract, a revaluation at present prices is simply giving to the landlord a rental arising from value imparted by the expenditure of capital by the tenant. I believe it to be our duty, Sir, not only to carry out abstract principles of right, but, where they affect large interests by extensive alteration in the laws, that time should be given for the adjustment of the interests to the new and altered state of things. But while I make this admission, I believe that the good wishes to which Her Majesty has given utterance in Her gracious Speech, will be speedily realised; though in the transition we must be prepared for difficulty and loss, especially to parties who are slow in adjusting their course of business to the altered state of things.

It has, Sir, always appeared to me that we have looked to the price of wheat too much as a criterion of distress or prosperity. It is calculated that we have about 19,000,000 of acres arable, and 38,000,000 of pasture and meadow; while of the 19,000,000 acres, less than 4,000,000 are employed in growing wheat; agriculturists, it is therefore obvious, derive a large portion of their income from stock, and to them, therefore, the prosperity of trade and manufactures is a positive benefit, and source of profit. And we find, that although the price of wheat has declined, the price of meat has declined very little, and that it was cheaper during many years of protection than it has averaged since. And I need not point out to the House that this has arisen entirely from the larger consumption of meat by the labouring classes, a circumstance at which we may well rejoice. The working men of this country dine now as working men should dine, on edibles furnished by the butcher.

We have unfortunately in this country no means of estimating the annual produce and consumption of food, and we must, therefore, content ourselves with an approximation to facts. I collect from the best sources that there were slaughtered in England, in 1850, 60,000 more beasts than in 1849; and we have local returns which give value to these calculations. The largest cattle salesmen in Liverpool give the following returns of sales for the past year:—In 1849, there were 109,287 oxen; in the year 1850, 123,213 ditto. They also state in their circular—

> "Our imports of sheep have been on a less extensive scale from Ireland, and we are now witnessing, to us, the novel feature that store beasts have lately been sent into that country."

I find the prices of meat the last six months, and the six months of (corresponding) 1849, have been nearly the same; and I find, too, that the increase of consumption in England is but the counterpart of Scotland. The City Chamberlain of Glasgow makes the following return of animals slaughtered in that city:—1848, 132,150; 1849, 161,527; 1850, 185,255. The increased consumption has fully kept up prices, too, in Scotland. I have now before me the prices current of Smithfield, Glasgow, and Liverpool; but I need only refer the House to Mr. Porter's admirable work just published, and there it will be found stated, on unquestionable authority, that beef and mutton are dearer now than they were in 1843, 1844, and 1845, which were years of protection. I have also before me the statistics, with which I will not weary the House, of the meat and stock carried by the principal lines of railway, which proves most unquestionably that our own farmers have the last three years produced much larger quantities of stock. I have shown the consumption is larger than ever; and I ask, then, if there is not solid ground for the belief that though there must be suffering in the transition, yet that agricultural interests will be based on a solid substantive foundation, and that it will hereafter depend on legitimate sources of prosperity, and that agriculturists will carry out all their engagements with the sympathy of every class of the community with no fear of distrust taking the place of mutual confidence, but with such a union of all the interests of the country as shall be the best guarantee of commercial greatness and domestic strength.

If I am not trespassing too much on the time of the House, I desire to call its attention for a few moments to the cheering prospects of progression in Ireland, which, I doubt not, will eventually be a source of strength, and contribute her quota to the general welfare. Her comparative advance in industrial pursuits in the last sixteen years has been much greater than in the sister portions of the kingdom, Scotland and England. The number of persons engaged in cotton, silk, and woollen factories, I find have increased in that time 158 per cent; while in Scotland it has been 51 per cent, and in England 67 per cent. I find her cotton and flax manufactories alone give employment to 350,000 persons at the present time, and that 300,000 females are engaged on "sewed muslins," the cost of which is almost entirely labour and profit. On turning to agriculture, I find the prospects are even more cheering—capital is flowing into the country—land is being rapidly consolidated from the old and vicious state of conacre to farms of from 100 to 200 acres. In proof of this, I need only refer to Captain Larcom's returns. Large breadths of land are being sown with cereals. The value of stock is increased; and that too much neglected but most valuable link between the agriculturist and the manufacturer—flax, is being more extensively and profitably cultivated; and I note with hearty pleasure the eagerness of the people to establish packet stations and manufactories, as evidencing the desire which is always the precursor of success. We see also in Ireland the railways making its natural capabilities available, and rapidly opening up its resources. Soon will its most distant parts be placed in ready communication with England; and here, Sir, I cannot but regret that the advice of an illustrious statesman, whose untimely loss we deplored near the end of the last Session, has not been more extensively carried out; and especially that the city of London, to whom we look for the initiative in this matter, has not prosecuted her intention beyond a public meeting. That corporation holds very large estates there by the favour of former Sovereigns: they possess, therefore, a personal interest in the country, and I had hoped to have seen large tracts of country pass by purchase to them, and to other corporate bodies who could invest capital largely; and who, while blessing their common country by the enterprise, would have left a valuable investment to their successors, and an enduring monument of their patriotism and public spirit. I cannot but point with admiration to the conduct of a brother of the noble Lord the Member for Evesham. He has turned a desert into a garden—a large estate from which no rental was derived into a remunerative property; he deserves well of his country, and his conduct is worthy of imitation. There are, Sir, most false impressions abroad as to the Irish character. I know from personal experience that if you pay the Irish labourer well—show him your care for him, and he is the most faithful and hardworking creature in existence; but if you find him in one part of his native country working for 4*d*. per day, and that paid in potatoes or meal, and that where most of the misery exists—can we wonder that the results are as we find them; but give him legitimate occupation—remunerate him for his services—show him you appreciate those services, and you may be sure you put an end to all agitation. He will be your faithful servant, and the loyal subject of his sovereign.

I trust I have, Sir, been able to show, though inefficiently, that the tone of trade in the whole country is healthy, sound, and rational — the manufacturing interest, busy and prudent—the people better fed and clothed than ever—that the agricultural interest must share in the general prosperity; and with the earnest desire that all the wishes of our most gracious and much-loved Sovereign may be fully realised, I turn briefly to one or two other points in the Address, asking the House to permit me, before I pass to the next subject, to congratulate it, and through it the nation which it represents, on the satisfaction with which we can look forward to the visit of the world to our metropolis; we cannot show our visitors that which some other nations could have shown them. The treasures of art are not ours pre-eminently. In much that would have gratified and refined taste, we are deficient. But, Sir, we are by no means deficient in those things which constitute the well-being of a nation. We abound in evidences of substantial greatness—of permanent prosperity—of genuine freedom — of the Sovereign's generous sympathy with the people—and of the people's intelligent devotion to the Throne —and, commercially, while we fear no competition, we court reciprocity, and I believe this great meeting, while it tends to our well-being as a nation, will conduce to the peace and happiness of the world.

Her Majesty, in Her gracious Speech, next refers to the assumption of certain ecclesiastical titles, and to a Bill to be hereafter laid on the table of the House.

And on this point I trust that the wording of the Address will commend itself to all. No hon. Member, by giving his assent to this Address, is bound to any subsequent course of action. Nor can I think that hon. Members professing the Roman Catholic faith are by it committed to any course of proceeding until the Bill to which it refers is laid on the table of the House. Her Majesty refers to a fact patent to all; and, while we all feel bound by every tie to protect the civil and religious liberty of the subject to the utmost, we are all equally bound by our devoted loyalty and love to the Sovereign to protect Her prerogative from aggression of every kind also—and that to the utmost.

We are not called on, Sir, to any reactionary course. The antecedents of the First Minister of the Crown are a pledge more than sufficient to the most timid mind, that while he will constitutionally preserve every right of the Crown and Her Majesty's civil supremacy; and, while he will oppose determinedly the introduction of a code of laws alike opposed to the rights of the Queen and the civil liberty of the subject—he will not sully his fair reputation by any course which shall be inconsistent with that love of true religious liberty which he has ever shown. And here, Sir, I must ask permission of the House to read a short extract from a speech of that noble Lord in introducing the repeal of the Test Act, in 1828, that noble Lord being then in opposition:—

> "I now come to the great principle involved in the numerous petitions before the House—petitions signed by the whole body of Dissenters, by Roman Catholics, and by many members of the Established Church. That principle is, that every man ought to be allowed to form his religious opinions by the impressions on his own mind, and that when so formed he should be at liberty to worship God according to the dictates of his conscience, without being subjected to any penalty or disqualification whatever. Every restraint or restriction imposed on any man on account of his religious creed is in the nature of persecution, and is at once an offence to God and an injury to man. This is the first and noble principle on which the Dissenters claim the repeal of the test laws; but I will fairly admit that there may be an exception to its application, and I will illustrate it by reference to the general principle of non-interference by one State in the internal affairs of another. It may be stated that

one State would not generally be justified in interfering in the internal concerns of another; but if some of the internal regulations or political institutions of one State are of such a nature as to lead directly to the injury of another, then the interference properly commences on the part of the State making such regulations, and not on the part of the State which complains of them. I will say the same of religion; if the religion of any body of men be found to contain political principles hostile to the State, or militating against that allegiance which is due from every subject of the Crown, in that case the question ceases to be a religious question, and you have a right to interfere and impose such restrictions as you may deem necessary, because you do not impose them on religious opinions, you impose them only on political doctrines."—*Hansard, N.S.* vol. xviii. pp. 678-9.

Having read this extract, I trust we shall all feel we may reserve ourselves with perfect confidence till we see the Bill introduced; but if it be doubted as to the propriety of any Bill at all being brought in, I point to Roman Catholic Peers of the highest standing who have publicly declared, that allegiance to the canon law is incompatible with allegiance to the Sovereign. If so, we see good reason for the introduction of some measure for our consideration. Not, Sir, that those noble Lords are recreant to their religious principles in thus resenting the Papal rescript, or that, through the indirect influence of Protestantism, they have adopted views which, in other times, they would have abhorred. Nothing like it. That Papal rescript would have been resented in the palmiest days of the Roman Catholic religion in this country. Why, Sir, our earliest national history is full of instances in which the people, the Parliament, and the Barons of England, Catholics as they all were, indignantly declaimed against such intrusions on the part of the Roman Pontiff. The canon law, for example, has always been hateful to Englishmen; and I do trust that, in the measures to be taken, its operation in this country will be rendered null and void, otherwise we shall be embroiled in interminable intestine disputes incompatible with the safety, the honour, and the welfare of our Sovereign and her dominions. I trust all hon. Members will feel they can concur in the terms of the Address; and I hope we shall postpone any debate on a subject so exciting until the matter is substantively before us.

Her Majesty also speaks of certain changes in the courts of equity and law, and the registration of deeds relating to real property.

All hon. Members who represent large constituencies must be alike familiar with the general and urgent wish which exists for law reform; and, much as they would desire a temperate and well-considered extension of the suffrage, I am sure they will feel that Her Majesty's Ministers, in deferring that until another Session, and taking up the great question of reform in our courts of equity and law, have exercised a sound discretion. The establishment and extension of the county courts has, so far as it goes, introduced a sweeping change in pleading-practice and evidence; but the change of law in the United States of America has made the people of this country feel more alive than ever to the necessity of great changes in every department of our legal administration. I can only hope, Sir, that it will be undertaken in the spirit which the following short extract from an eminent author demonstrates. He says—

> "Let us not be deterred by a clamour against innovation from abrogating what is useless—simplifying what is complex; nor attempt to stave off an immediate pressing difficulty by a patchwork scheme of modifications and suspensions; but let us consult for posterity in the comprehensive spirit of legal philosophy."

It is not necessary I should point out to the House the great benefits which must accrue from a registration of deeds of real property: all the inconvenience, annoyance, and expense, together with the delay which arises from the want of it, is familiar to all; and any Government which will originate and carry out a well-digested simple plan, by which the transfer of real estate can be rendered more easy and inexpensive, will add to the value of property, and deserve the hearty thanks of the landed interest. It now, Sir, only remains for me to thank the House for its indulgence; and I do, Sir, most earnestly desire that Divine Providence will illuminate our common path, guide all our counsels, and so direct all our efforts, that our legislation may be eminently practical, equal, and promotive of the best interests of the united kingdom. With this expression, Sir, I earnestly commend, by a unanimous vote, the adoption of the Address to Her Majesty.

MR. ROEBUCK said, that never since he had had the honour of a seat in that House had he risen with so much pain as on the present occasion; and, when he said so, he wished it to be understood that it was no mere commonplace expression at the commencement of a speech that he employed;

he truly meant what he said when he told them that he never had pain equal to that which he now felt in rising to address them. The reason of that pain was that now, for the first time since he had occupied a seat in that House, he found a liberal Administration—headed by one who had gained the honour and distinction of being the Prime Minister of a great liberal party—taking the first step backward; that among a nation, and at a time when onward progress was the distinctive mark by which on every occasion that nation held itself honoured, by that Administration and that Prime Minister the first actual backward step was attempted to be taken. Looking, said the hon. Gentleman who seconded the Address, at the antecedents of the noble Lord, there was to be found there a sufficient guarantee for his conduct on this question. Last year he (Mr. Roebuck) would have said the same thing, but not now. Last year he would have said that the antecedents of the noble Lord were a sure guarantee that it was impossible he could be the first actual opponent of civil and religious liberty since 1829. What were the real antecedents of the noble Lord? The question of the repeal of the Test and Corporation Acts was the special business of the noble Lord. That was a step taken in favour of civil and religious liberty, and he was the first to bring it forward in that House. He (Mr. Roebuck) had heard a remark made by a great Minister on that question, and he requested the consideration of the hon. Gentleman who seconded the Address to the observation. He urged, as the real objection to the repeal of the Test and Corporation Acts, that it would relieve the Dissenters from disabilities, and, thus relieving Protestants from the yoke which Protestants imposed on each other, it would enable them to unite their Protestant prejudices against the Roman Catholics. That was an observation by one who was not only learned in name, but who knew what the human mind truly was—Mr. Canning. Beware, he said, of what you are doing, for so soon as you relieve the Dissenters of this country from the disabilities under which they labour, you will find them then your bitterest opponents in seeking to remove the disabilities of the Catholics. He now found in the hon. Member for Norwich an apt illustration of that remark. There were no longer disabilities lying on Protestants; and they had now one united Protestant cry against the Roman Catholics. He was remarking, however, not so much on the hon. Gentleman who seconded the Address, as on the conduct of the noble Lord at the head of the Government. When was it that the noble Lord had chosen to take this backward step? It was at a time when, through the Royal Speech, he was able to congratulate the House and the country on the great physical improvement of the people, and on the increased happiness enjoyed by the labouring classes. It was after long experience of the evils inflicted by restrictive laws upon the industry of the people, and when sufficient proof had been given to the world of the folly of such restrictions by the prosperity that had since been created—it was at the very time that he was putting into the mouth of the Sovereign congratulations upon these things, and calling upon the House of Commons to be thankful to Providence for the happiness and prosperity we enjoyed, that the noble Lord asked them to go forward in the peculiar line of legislation which he had pointed out. On that important occasion, when Catholic emancipation was passed, the great Parliamentary leader whose death they all deplored, and whose loss they that day felt, yielded to the pressure of circumstances in Ireland; and the Duke of Wellington, who had seen more years of war than almost any man of his time, and most of these civil wars—what were his words on the same occasion? He said—

> "I am one of those who have probably passed a longer period of my life engaged in war than most men, and principally, I may say, in civil war; and I must say this—that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it."

Peel and Wellington knew that it was civil war or emancipation, and those great men, taking up the principle of emancipation, acted upon it very frankly. Sir Robert Peel directly stated, when it was suggested to him to pay the Roman Catholic clergy, that he had weighed that question—that it was one worthy of all consideration; but that he could not include it, though proposed by Pitt and sanctioned by Castlereagh, and therefore he would not interfere with the internal polity of the Catholics any more than with that of the Wesleyans. The noble Lord and his party felt great pain, he might say great jealousy, that these enemies of all liberality, these enemies of Catholic emancipation, should have come in at that time and swept away the honour for which they had so long contended; and it was the complaint of the party to which the noble Lord belonged, and of the noble Lord himself, that the honour belonged to them, for that they had fought the battle of emancipation through all its difficulties and trials, and that it did not belong to the party by whom emancipation was granted. They nevertheless expressed themselves delighted to see all their principles with regard to the Catholics carried out, and that they were no longer to have civil disabilities imposed on them on account of their religious belief. Now, when such was the state of the case, when such was the onward progress of the nation, what did the noble Lord propose to do? He told them—for the Speech delivered by the Queen was in reality his speech—through Her Majesty, that She had received many addresses from large bodies of Her subjects respecting certain ecclesiastical titles conferred by a foreign Power; and the noble Lord himself had that evening given notice that he would bring in a Bill against the enjoyment or possession of any honour which might be conferred, not by a sovereign, let it be observed, but religious distinctions granted by a bishop who was called the Pope of Rome. That was in reality what the noble Lord meant. If it was against the sovereign of some principality that his measure was directed, why had the noble Lord picked out the weakest Power in Europe to make his attack upon? The noble Lord had always shown himself to be a frank-dealing man, and, if it was really against the Bishop of Rome, and not a sovereign Prince, that his Bill was directed, why did he not say so? Now, who was the Bishop of Rome? Regarded by the Catholics, the Bishop of Rome was not a sovereign Prince. He might be out of Rome tomorrow, for that matter. He was the Bishop of Rome, the head of the Catholic religion, from whom and through whom it derived spiritual power. He was the very essence of the Catholic religion, and to say that you should not believe in the Pope of Rome was to say you should not be a Catholic; while to say that no bishop should derive his power from the Pope, was to say that the Catholics should not have the spiritual comforts of their religion. In other words it was gross persecution. But he was to be met with the word "aggression," encroachment upon Her Majesty's prerogative, Papal aggression, territorial aggression, and so on. Now, our American brethren had introduced a phrase which he thought exceedingly applicable here; it was the phrase "attaining political capital," and he could not help thinking that the noble Lord at the present moment hoped to attain political capital. The noble Lord spoke of territorial aggression. He (Mr. Roebuck) charged the noble Lord to deal frankly, and he now accused him of dealing falsely with the people of this country. This Roman Catholic aggression of which he now complained was no new thing. The noble Lord had been aware of it for years, and he (Mr. Roebuck) would prove to the satisfaction of any unprejudiced person that it began years ago, and had been sanctioned by the noble Lord himself. England, said the noble Lord, had been parcelled out by a foreign Power, the Pope of Rome. But when? Oh, the other day, when a bull was introduced, and Cardinal Wiseman was appointed Archbishop of Westminster. But was this the first territorial aggression? Was this the first partition of England? Certainly not. He would take one example. Bishop Baines, who was called Bishop of Siga, had a district which included all the west of England, and he was, in reality Bishop of Bath, deriving his power directly from the Pope. He was consecrated by the Pope, and all the pecluiar powers of a bishop he exercised under the authority of the Pope. He was also, he suspected, a vicar-apostolic. Now, what did that mean? for it would appear, that so far from the Pope having lately acquired great power, he had divested himself of it. So far from it being an aggression it was a retrogression, and so far from invading Her Majesty's prerogative, he had only given the Catholics the power of governing themselves. A vicar-apostolic had no person above him in England; he was like a legate *e latere*, and he referred everything to the Pope, so that the Pope might be said to be the one Bishop of England, having vicars-apostolic acting for him. Through the various vicars-apostolic the Pope governed this country entirely, so far as the Catholics were concerned. He created a hierarchy, however, and the bishops now would be elected by persons in England. Oh, but he would be told, there were men who were to be called Archbishops of Westminster, and Bishop Baines would, for example, no longer be called Bishop of Siga, or a bishop *in partibus infidelium*, but be called by an English title. So that all this question of aggression turned upon the fact that Dr. Wiseman was to be termed Archbishop of Westminster instead of Melipotamus. Now, what was the real meaning of this word "aggression?" He had read much on the subject, and he had glanced his eye over columns on columns of rubbishing talk. But it was one of the glorious privileges of that House that as a Member of it he could say what he felt, he could say that which he could not utter in the midst of a body of roaring sectaries. However humble an individual, let him but speak, having an anxiety to do so, with reason, and that House would hear him; and so confident was he in the simple statement of the truth made there, that he was satisfied his countrymen would yet be ashamed both of the combustion and the persons who had stirred it up. What, then, was the meaning of this word "aggression?" He asked the noble Lord where was the aggression on the Royal prerogative, merely because Dr. Wiseman called himself a cardinal, dressed himself in a large hat, put on a pair of red stockings, and, in addition, styled himself "Archbishop of Westminster?" Why, one could not state the case without making it ludicrous. Then, as to loyalty to the Sovereign, was he less loyal than others because he laughed at this matter? Did any one believe that the Catholics of England, among the most peaceful, the most submissive—he would say, too, humble—of all the classes of Her Majesty's subjects, were to be accused of making inroads on Her Majesty's prerogative because Dr. Wiseman had been made a Cardinal and an Archbishop of Westminster? But how was this power gained? He would answer that question out of the noble Lord's own lips. Some time in the year 1848, the hon. Baronet the Member for the University of Oxford, on the second reading of the Diplomatic Relations with the Pope of Rome Bill, put certain questions to the noble Lord at the head of Her Majesty's Government on the subject of the recognition by the Irish Government of the Roman Catholic hierarchy in Ireland. While alluding to that hon. Baronet, he (Mr. Roebuck) would say that to him the hon. Baronet appeared to be the most consistent man among them all. He had been consistent from the beginning, for he had always said that they were wrong in 1829, and that they ought to have kept the Catholics down, and had no business to make those advances to them which they had done by the Act of 1829. And in discussing the Diplomatic Relations Bill in 1848, which the noble Lord had said was carrying out the principle of the Bill of 1829, the hon. Baronet reproached the noble Lord with what the Government had recently done in Ireland, in recognising the Roman Catholic hierarchy, and said—"Look at the consequences of your first act; this is the legitimate result of what you did in 1829." Now, what he (Mr. Roebuck) complained of on the part of the noble Lord was, that after all the experience he had had of the measure of 1829, he should come down with the great authority he had derived from that experience, and announce that the principle which he established in 1829 was a wrong one. He (Mr. Roebuck) complained that it should have been reserved to the year 1851 for the noble Lord to discover what was the true principle. The noble Lord had, in fact, become the partisan of the hon. Baronet opposite, though not so consistent. He was not quite sure that the hon. Baronet's humanity did not prevent him from being quite consistent; for real consistency required that you should coerce belief, and that if you would not do that, you should eradicate the individual—a process which it would tax the ingenuity of any one fully to carry out. But in the course of the debate on the Diplomatic Relations Bill, the noble Lord said—

> "For my own part, I am not disposed to think it would be for the advantage of this country, or that it would be agreeable to the Roman Catholics, that we should have an agreement with the Pope, by which their religious arrangements should be regulated."—[*Hansard*, Third Series, vol. ci. p. 220.]

He (Mr. Roebuck) must, however, read the preceding passage. The noble Lord also said—

> "You must either give certain advantages to the Roman Catholic religion, and obtain from the Pope certain other advantages in return, among which you must stipulate that the Pope shall not create any dioceses in England without the consent of the Queen; or, on the other hand, you must say that you will have nothing to do with arrangements of that kind—that you will not consent, in any way, to give any authority to the Roman Catholic religion in England. But, then, you must leave the spiritual authority of the Pope entirely unfettered. You cannot bind the Pope's spiritual influence unless you have some agreement."—*Ib.*

And then the noble Lord went on to say—

> "For my own part, I am not disposed to think that it would be for the advantage of this country, or that it would be agreeable to the Roman

> Catholics, that we should have an agreement with the Pope, by which their religious arrangements should be regulated. But, although you may prevent any spiritual authority from being exercised by the Pope by law, yet there is no provision, no law, my hon. Friend could frame that would deprive the Pope of that influence which is merely exercised over the mind, or that would preclude him from giving advice to those who choose to attend to such advice."

That was a wise declaration; that was distinctly stating that you could not coerce the Pope's spiritual power; that, although you might anathematise the whole Papal people, and give them up to pains and disabilities, yet you could not exercise any control over their minds. If anybody had come to that House and asked the noble Lord to bring in a Bill to acknowledge Cardinal Wiseman, and recognise his right to parcel out England, and to give him such pre-eminence as he, by that power, would necessarily possess, then he (Mr. Roebuck) should consider the answer of the noble Lord to be perfectly consistent, that he could not consent to adopt any such line of conduct, as it would be opposed to the prerogative of the Sovereign. But now, when Cardinal Wiseman came in calm and humble guise, as a poor and powerless priest, without one single particle of influence except the spiritual influence the noble Lord and the Legislature had already given to him, with no power but the power which he possessed over the mind;—a man not surrounded by guards—not brought here by any feat of arms, but coming here in the simple garb of a priest, and addressing himself to the minds of the people, and appealing to their spiritual aspirations and to their conceptions of what they deemed to be truth;—considering that in all this there was no coercion, no assault upon anybody, but was the free exercise of mind, in which consisted the very essence of English liberty, and that without any attempt at concealing the truth, or of imposing manacles on human thought—for the noble Lord to oppose, oppress, and coerce such a man was gross persecution, and what he trusted the British Parliament would never sanction. But the House must know the meaning of this word "aggression." It consisted (and he defied the noble Lord to put any other interpretation upon the word), it consisted wholly in the spiritual influence of the Pope upon those who were the members of his Church. Now, he suspected that in the three kingdoms there could not be found a person less subject to spiritual dominion than the individual who was then addressing the House. It seemed to him one of those grave and mysterious phenomena for which the human mind in vain sought a solution, that any body of men should bow to any such dominion. But because that to him was a mystery, and because he himself looked upon the Catholics who bowed to the Pope, and upon the Methodists who bowed to the Conference, and upon the Episcopalians who, if they bowed to anybody, bowed to that House, for eventually that House governed the Church—they might talk, indeed, of the Queen's supremacy, but it meant the supremacy of the Minister; and the supremacy of the Minister meant the supremacy of the House of Commons—but because he looked upon these things as a mystery, yet he did not arrogate to himself that he alone was the judge of the truth; much less did he presume to arrogate the right of persecuting his fellow-subjects because they differed from him. And here he begged to caution his Dissenting brethren that they had better be careful, for they themselves were not yet out of the wood, and they might find, if this principle should be introduced in respect to the Catholics, it might be ultimately applied to their own case; and he must say, that if there were a man who would rejoice at seeing the infliction it would be himself. But, he had to ask, was there any excuse for the Catholics on this occasion? Had they done anything at all which ought to have subjected them to the insult to which, as a religious body, they had been subjected during the last few months? Was the noble Lord, up to the time when he wrote his famous letter, in total darkness with respect to what the Catholics were doing? The noble Lord could hardly say so. Certain he (Mr. Roebuck) was, that the Earl of Clarendon was not ignorant of it; neither was the noble Lord's Colleague the Secretary of State for the Colonies. That noble Lord might have mistaken the Act of Parliament (which he certainly did); but still, taking it as he supposed it to be, he knew there was such an Act, and he believed there were certain stipulations in it. It was said, that some of these Catholics had called themselves "bishops," and that one of them had called himself a "cardinal," and they alleged that they had got a power from the Pope to do so. Now, without troubling the House with any lengthened quotations, he would ask, were not the Catholics right in believing that they might do so without giving any offence? That was the way to put the question. Was there anything which led them to believe that they could do what they had done without giving any offence? There could be no doubt that, in pursuance of the Charitable Donations and Bequests Act, there was a commission appointed under Her Majesty's letters patent, in which archbishops and bishops of the Catholic Church were acknowledged as such; and from year to year they were known to the Administration to be so acknowledged. The third report of those Commissioners gave an account of the meetings held by them; and in the report of one of those meetings the names of the commissioners assembled were given. There was the right hon. Sir John Perrin, then the Chief Baron; after him came his Grace the Lord Primate, who was the Protestant Primate; then his Grace the Archbishop of Dublin, who was a Protestant archbishop; and after these names came his Grace the Lord Archbishop, Daniel Murray, not saying of what place he was archbishop. Now, that the whole of this uproar should be made, because suddenly this person should choose to call himself Lord Archbishop of some particular place, was truly lamentable. But was this the first time that these titles had been given to these persons? It was on record that they were constantly addressed by persons in authority, as well as by others, as archbishops and bishops of particular places. There was the Catholic Archbishop of Armagh, and the Catholic Archbishop of Dublin. In a document which had been handed to him, it was stated that Her Majesty had been pleased to desire that the following persons should have the *entrée* at the Castle, and then came a statement of what the Queen had a right to do. She had a right to say in what order people should walk in procession, and after mentioning the Lord Primate and the Archbishop of Dublin, she then named the Roman Catholic Primate of Armagh, who came before many Protestant bishops; and then came the Roman Catholic Archbishop of Dublin, who was especially named because there was also a Protestant Archbishop of Dublin. Here, then, they had it openly acknowledged by the Queen's special prerogative and authority, in the teeth of an Act of Parliament, that there was a Roman Catholic Archbishop of Dublin. Mark what that in reality was. There existed an Act of Parliament against something being done. The Queen nevertheless did that something, for, though it was in the exercise of her prerogative, still it must be deemed to have been done by her Minister. He believed the right hon. Secretary of State for the Home Department was responsible for that act. [Sir G. GREY denied that he was responsible.] Somebody must be answerable for it however; but what he wished to press upon the House was, that the Catholics, seeing such proceedings solemnly enacted in a document of so public and grave a character, and relating to a matter which by some people was deemed so important, might most implicitly, and in the utmost candour and good faith, believe that there was really no objection on the part of anybody (always excepting the hon. Baronet the Member for the University of Oxford) to their assuming those titles. Why, the whole history of all this was well known. The plan had been contemplated for some years, at all events as long ago as 1847. In the *Roman Catholic Directory and Almanack* for 1848 the name of the Most Reverend Dr. Wiseman, D.D., was inserted, to which was attached the title of Archbishop of Westminster. If he were told that Dr. Wiseman was not Archbishop of Westminster in 1848, he would admit the fact; but why was he not? That the Pope intended to make him such was well known in the Catholic world, and that which was to happen was, by anticipation, published in the *Directory;* but a revolution took place in Rome, the Pope left his seat of government, and nothing was done at that time; but the moment the Pope returned to Rome he did what he had originally intended to do, and what the British Minister on the spot must very well have known was to be done—for, in spite of an Act of Parliament, England had a Minister at the Court of Rome. And here he could not but observe, when they were talking about the violation of an Act of Parliament, and of infringing the Queen's prerogative, he thought it might be as well on the part of those who thus regarded the breach of an Act of Parliament by the Roman Catholics, to recollect that they themselves were rather in danger of that mysterious law of *præmunire* for sending a Minister to Rome. It might be said, perhaps, that the noble Lord was not accredited; but that would be mere paltering with the House. One short word would most expressively describe such an assertion; but its use would hardly be Parliamentary, and therefore, resorting to a periphrasis, he would call it "saying the thing that is not." It was then said that this was an aggression because it was a parcelling out of England. Sir Robert Peel said in 1829 that he would no more interfere with the internal arrangement of the Catholics than with that of the Wesleyan Methodists. Now, in the *Wesleyan Methodists' Directory* he found the heads of the districts of that body called superintendents, which word was the same as that of bishop, one being a Greek, and the other a Latin, word; and he also found John Beecham, D.D., described as President of the Conference; there being exactly the same parcelling of the country by both parties. And for what purpose? For a spiritual purpose, and which was perfectly legal for them to do. He might himself to-morrow parcel out the kingdom if he could get any one to join him, and call himself D.D. or A.S.S., if he pleased; as well as the Episcopalians, the Independents, the Baptists, or any other of the half-hundred denominations into which the Protestants of this country were divided. He would ask the House seriously whether it was worth while, after all the inquiry they had had with respect to the Catholics, to run this risk? There were in Great Britain and Ireland 8,000,000 of Catholics; and was this the time, when spiritual bigotry was disappearing, when kindness and goodwill were superseding all ancient hatreds and religious feuds, when they met one another as brethren in that House and in society, and when they were becoming an united people—was it worthy of the noble Lord, so long the advocate of religious as well as civil liberty, to aid a feeling which had its source in religious hatred, which took the name and sanction of Her Majesty's prerogative to cover a most detestable thing? The noble Lord was forgetting his past history, and was thinking only of a fleeting popularity. He was lending the sanction of a great name to cover a great vice. Why, it was nothing more than the puritanical bigotry of England lurking out in the nineteenth century. It was to him marvellous that such means should have been resorted to. He regretted that as there was nothing in the main portions of the Address to which any objection could be taken, that that unfortunate reference had been introduced to prevent the House being entirely unanimous.

SIR R. H. INGLIS said, that the hon. and learned Gentleman the Member for Sheffield, with all the force of his talents, had made an attack upon Her Majesty's Ministers, and had endeavoured with more than even his usual power of sarcasm, to throw ridicule upon the way in which the recent aggressive conduct of the Pope had been received by them, and by the people of England. When the hon. and learned Gentleman asked what was the meaning of this Papal aggression; let him ask the hon. and learned Gentleman whether it were not the intrusion of a foreign Power in the internal concerns of this land, and whether, if such a proceeding as had lately taken place in this country had been attempted in any other, it would not have been met by an equal burst of indignant feeling as it had received here? Would not that have been the natural and inevitable result? Did the hon. and learned Gentleman not know that there was not a nation in Europe, the smallest or the greatest, in which such a measure as this could have been hazarded without rousing the strongest feelings of indignation and resentment? Would the Pope have dared to do in the dominions of any one of the four other great Powers of Europe what he had dared to do in this kingdom? With reference to what the hon. and learned Member had said of the analogy of this attempt with what had been done by the Wesleyans, did he mean to state that that, or any other sect of Protestant Dissenters, ever claimed any jurisdiction such as that attempted by the Papacy? Why, the Pope had treated England as if every individual in it, save those who belonged to his own communion, were heathen. He had—to use a now popular term—ignored the existence of the Crown and of the Church of England; and assumed that we were as much a pagan people as the inhabitants of Otaheite before the arrival of the Missionaries. Let him ask even the Roman Catholic Members of that House whether such an aggression as had been practised towards this country could have been attempted in Russia? He could have wished nothing more than that the Pope should have tried the same course with that great empire; soon would we have found that every available ship of the Russian fleet, from the Baltic and the Black Sea, would have made its appearance at Cività Vecchia; and that the Pope would have been compelled to eat his words; aye, the very parchment on which he had dared to inscribe them. There was a King of England, too, in former days—

he meant that great Sovereign, William the Third—that highminded man—who, the more his character was investigated, the more it was shown that he had ever proved himself fit for the high duties of his station—if such an aggression on the honour and integrity of the Crown, on the rights of the Church, on the security of Protestantism, and on the independence of the people, had occurred in his day, would not have hesitated or been found wanting in his duty. Yet, notwithstanding the little which had been done, or at least which appeared to have been done on the part of Her Majesty's Ministers, and notwithstanding the little which had been placed on this subject in the Queen's Speech, he (Sir R. Inglis) looked upon the letter of the noble Lord at the head of the Government to the Bishop of Durham as the text of the Speech of the Throne; and on that Speech, as the comment or sermon on that text, but governed by it. He trusted that the writer of that text would be found equal to the emergency, and that he would maintain the language which he had originally used. [*Cheers, and cries of* "Oh!"] The hon. and learned Gentleman had been cheered by some of his friends behind him when he detailed in his own peculiar way the history of the recent aggression; but he would refer the hon. and learned Gentleman to the able and satisfactory work of Dr. Twiss, which it was evident he had not yet read; but in that work, though he (Sir R. Inglis) could not concur in some of its admissions, Dr. Twiss had shown that in no State of Europe, without the consent of the Sovereign, could such an attempt have been made to portion out the country and create territorial titles, with rank and jurisdiction. The same conclusion was supplied by the evidence in the celebrated Report of the year 1816, on the regulation of Roman Catholic subjects in foreign States. He regretted to say that the observations of the hon. and learned Gentleman were far too true, and painfully true, when he called to the recollection of Her Majesty's Government that they had encouraged the Papacy in its present aggressive movement. Look at their conduct during the last five years, in Ireland, at home, and in the colonies. The hon. and learned Gentleman had brought forward precedents of what had been done in Ireland, in which a recognition had been given by the Government to the Church of Rome in the person of more than one of its Archbishops; but, even admitting that a similar construction might be drawn from a private and local Act of Parliament, which he (Sir R. Inglis) did not admit, he believed there was no recognition at all of that party as Roman Catholic Archbishop of Dublin, but simply as exercising the functions of an archbishop *in loco.* The legal acumen of the hon. and learned Gentleman would readily enable him to understand the distinction. If such a man as the late Mr. Perceval—and in referring to that name, he could not but acknowledge the obligations which the cause of Protestantism, and of the Church of England owed in the present day to Mr. Dudley Perceval, a man worthy to bear the name of his great father—if such a man as the late Spencer Perceval had been at the head of affairs he felt satisfied that such an aggression would not have been permitted—he would at once have vindicated the rights and the honour of the Crown, and the independence of the nation—he would not have shrunk back, and left nothing done for a period of three months, like Her Majesty's present Ministers. He also, like the Russian Sovereign of to-day, or the English Sovereign a hundred and fifty years ago. would have sent a fleet to Civita Vecchia, and have compelled the "triple tyrant" to renounce his insolent pretension. The hon. and learned Member had taunted the hon. Gentleman who had seconded the Address, with the support which the hon. Member had, as a Dissenter, given to the measure to be brought forward against this act of Papal aggression; but let him ask the hon. Member for Norwich, whether his own knowledge of history did not satisfy him, that wherever the Church of Rome had power, there was no peace or place for the Dissenter? His own impression was that if the Government, instead of introducing an Act, limited as the present measure appeared to be, had gone as far as his (Sir R. Inglis') own wishes went, the people of England would —all but unanimously—have rallied round them. He was gratified to find that in the course of the late demonstration in England there had been exhibited a fund of latent talent and feeling which had hitherto been unsuspected, and with it a depth and extent of Protestant feeling and Protestant principle that augured well for the future well-being of the country. Her Majesty had been advised in the Speech from the Throne to say that the language of the addresses presented to Her breathed attachment to the Throne. Why, he apprehended that his noble Friend at the head of the Government, and more particularly his right hon. Friend the Secretary of State for the Home Department, to whose care these addresses were confided, would have seen that those addresses expressed something more than mere attachment to the Throne. They expressed the strongest attachment to the Protestant religion and the Church Establishment; and one of the great grievances of which they complained was, that the interests of that Church had been assailed by the conduct of the Pope. And yet the hon. and learned Gentleman told them that the Pope had committed no offence; and that none but bigots thought there was any offence in the late proceedings. The letter of the noble Lord the First Minister of the Crown to the Bishop of Durham had better characterised that proceeding, and it had stirred up such a fire in the heart of England as would, he trusted, under God's blessing, secure her Protestantism and her Church from all open or insidious attacks. Her Majesty's subjects of every calling and class had spoken out upon it; and one of the earliest and most important and remarkable documents which this act of aggression had called forth was the address of that profession to which the hon. and learned Gentleman himself belonged, headed as it was by the names of Her Majesty's Attorney General and the leaders of the different circuits, and expressing their resolution to defend the Church and the Protestantism of England, and the independence of the Throne, against the assault that was now made upon them. The two Universities, the greatest municipality in the empire, almost every city and borough in England, almost every religious body in the country, almost every county from Flint, one of the smallest, to Yorkshire for the greatest—he mentioned these two because Lord Shrewsbury had specially noticed them—all had addressed the Throne in defence of the Church, in support of the spiritual liberties of the realm, and in maintenance of the rights of the Crown and the independence of the country. The same appeal was now repeated to this House. He must be permitted, before he concluded, to say that much and important as was the information on statistical matters in the speech of the hon. Member for Norwich, the hon. Gentleman had, he regretted to find, left all but untouched the recent aggression of the Papacy—that great question which had agitated the country, and in which he ventured to say none were more interested than the Dissenters. He knew that they received protection and support from the Establishment in all that was essential to the freedom of religion. He would justify the vote he was about to give in favour of the Address by the consideration that the Government was held down by the letter of the Prime Minister, and that they would secure to the Bishops of the Established Church that rightful protection which by the law and custom of England they had for centuries enjoyed. He need not remind the House that the Church was not a sect; it was the first and essential element in the constitution of England, it was the first estate of the realm, and had always been so, since the first dawn of the Constitution, and whatever injury the Church received affected injuriously the Protestantism of the country, weakened and impaired what, under God's blessing, constituted the glory and the greatness of their country; because so long as that Protestantism, under God's blessing, should continue, so long would that country grow in all the elements of prosperity which, under God's Providence, had already combined more intellectual energy, more social comfort, more extended liberty, and more spiritual privileges than are enjoyed by any other nation.

Mr. J. O'CONNELL thanked the hon. and learned Member for Sheffield, in the name of his Roman Catholic fellow-subjects, and of every friend of religious liberty, for the speech which he had delivered that evening, and expressed his satisfaction, as a Roman Catholic, that they were not under the necessity of moving any Amendment on the Address in reply to the Speech of Her Majesty, who might be assured of the loyalty and attachment of Her Catholic subjects. If any bitterness had been thrown into the discussion, he must say that it had not been introduced by the hon. and learned Member for Sheffield, but by the hon. Gentleman who had seconded the Address, who had made remarks upon what he had called the prosperity of Ireland, which were as ill-timed and irrelevant as they well could be. There had certainly been a partial revival of trade in that country, but that was all. With respect to the attempt to establish a Catholic hierarchy in England, the spread of Catholicity in that country had rendered the appointment of vicars-apostolic necessary. It was said that the present was the only instance in which the Pope had presumed to appoint a hierarchy without the consent of the Government of the country. Even if this were so, was it not rather a credit to England that what was considered requisite for a church, not the Church of the State, could yet be settled without subjecting her members to any penal proceedings. The hon. Baronet the Member for the University of Oxford had cited the example of Russia, but could scarcely wish it followed. And had the hon. Baronet forgotten the case of Ireland, scarce seventy years since, under the penal laws, in which case the very course now objected to was pursued, of appointing a hierarchy without the consent of the Crown. No doubt, whenever it was practicable, the Pope endeavoured to obtain the assent of the temporal power to such a measure; for it had never been the policy of the Popedom — whatever might be the calumnies of English historians—to attempt to weaken or impair the legitimate rights of the constituted authorities. But the Pope might reasonably enough despair of receiving the assent of the Government in England. It was said that the Papal letters treated the people of this country as infidels. This, however, was not at all so. It was true, indeed, that the Holy See did not, and could not, recognise the Church established in this country as a Church, seeing that it was a principle of the Catholic faith that there could be but one Church, with one and the same visible head. But it was not true that the Pope had stigmatised the members of the Established Church as infidels; on the contrary, it would be repugnant to Catholic theology to use such a horrible accusation towards fellow-Christians of any class. It was melancholy to think that the noble Lord at the head of the Government should have excited the spirit of religious bitterness when it was about to subside. But still more discreditable was the sequel. After the noble Lord's letter, in which he had so grossly insulted the faith of the Catholics, it was naturally expected that, having thus expressed bigotry in words, he would have had the manhood at least to attempt to carry it out in acts, instead of which he had shrunk from so doing, and so had earned the contempt not only of the Catholics, but of all friends of civil and religious liberty, for what was now apparent had been as wanton and useless as it had been an unjustifiable outrage upon the religion of so large a portion of the people.

Mr. A. J. B. HOPE said, he should be sorry, for the sake of the character for consistency of his side of the House, if the only expression of its opinions were to be that of the hon. Baronet the Member for the University of Oxford, who seemed not to have considered the subject in its double aspect, affecting the Church on the one hand, and the body politic on the other. As a member of the Church of England he agreed with the hon. Baronet in the expression of strong indignation (indeed no one could feel more indignant) at the way in which the publications of the Roman Catholics had spoken of the recent aggression; alluding as they did to "the gentleman who claimed to fill the extinct see of Canterbury," and the manner in which they had "ignored" the Church of England, as a member of which he was ready to fight to the utmost against the aggression. But the House should remember that they sat not there as members of the Church of England. They sat simply as representatives of the citizens of England—of that country which, pre-eminent as it was in civilisation, and intellect, and enlightenment, was most of all pre-eminent in its enunciation of the great doctrine of "civil and religious liberty." The hon. Baronet had referred to the precedents which he called (comparatively) old—as that of William III.; but although there were questions of law, or of the forms of Parliament, which had remained unchanged since those times, and on which this appeal might be proper—could it be so on a question of the treatment of members of another denomination since then set free? To be sure, the period might be appealed to upon shreds and patches of the question; but, to be consistent, they must be content to take the whole tone and spirit—the whole length, depth, and breadth of the Elizabethan era, and of the Stuart and the Tudor ideas about "liberty of conscience," under which, undoubtedly, the Cardinal would have been hurried to the stake, and the seconder of the Address would have had his ears cropped. The first step towards liberty of conscience was the repeal of those barbarous laws. The second was the measure (for which, as a member of the Church of England, he thanked the noble Lord opposite) by which was abolished the abominable Test and Corporation Act, which prostituted the most sacred mysteries of religion to any one who might have conscience (or lack of conscience) enough to abjure for a time his religious convictions, in order to acquire that share of civil power which the State deprived him of in his true character. Such were the first two steps towards a more enlightened view of the relations between a man and his soul, on the one hand, and between a man and the body politic, on the other. The next was the Bill of 1829, since which various measures had been passed to consolidate the great foundation then laid—the only foundation on which a body politic of Anglo-Saxon race could in these times ever subsist; and now, because one of the religious bodies then emancipated had actually had the audacity to conceive that what was then given was *bonâ fide* and freely; when, with open eyes, Parliament had decreed that the Roman Catholic body should not, on account of holding Roman Catholic tenets, be debarred from the enjoyment of the full privileges of citizenship; one of their tenets being (as the Legislature all the while well knew), that they must look for spiritual rule to certain individuals holding territorial titles, and having a dependence upon another individual—a prelate, who happened to be also a petty Italian prince. Everything, indeed, that they now knew, they knew (or ought to have known) in 1829, and ought to have provided against. Provision, in fact, was made, and the Roman Catholic prelates were debarred from taking the titles of twenty-six towns mentioned in the Act. They had not taken those names; and now the great, the magnanimous British nation, came down upon them with penal enactments, because they had attempted to act up to the letter of the charter of their emancipation; and what was called the spirit of the Emancipation Act was appealed to, by which it was sought to be shown that when an Act prohibited taking the titles of 26 towns, those of the 15,000 places within England and Wales were also within prohibition. This might suit the "spirit" of the day; but if all statutes were construed in such a way, the country would not be so well ruled. It was said that the "liberties of Englishmen" had been "endangered," and that the Magna Charta of Protestantism had been violated. He had thought that the liberties of England were built upon a firmer basis; and that the established religion of England had something to appeal to beyond the protection of the Act of 1829; and that it had truth and Scripture upon its side. But now it seemed this was not so, for that though Dr. Wiseman might exercise all his episcopal powers in London as Bishop of Melipotamus, and the Church of England would still remain firmly founded upon Scripture and truth; yet if he exercised those powers as Archbishop of Westminster, then forsooth the people were all about to be made Papists whether they would or not. This was then the mainstay of the reformed religion, of which he had always imagined the appeal was to truth and reason; and which was to be rejected or refused upon those principles alone. For some time unhappily the principles of religious toleration had not been understood in England. But they had now come to understand them better, and year after year men had come round to the opinion, to which he did not yet altogether despair of seeing his hon. Friend the Member for the University of Oxford a convert—that it was best to let different forms of faith or claims of truth contend with each other, without any interference on the part of the State. Having for his own part begun with rather exalted ideas as to the duty of the State to enforce its religion, he had become more and more emancipated from them; while at the same time he felt more and more attachment to the Church of England, not because she was established, but because she was, as he believed, founded upon truth, and strong enough in herself to resist all the machinations or aggressions of cardinals or archbishops, whether of Melipotamus or of Westminster. A State, if it happened to get hold of the truth, was the great benefactor of the human race; but there was a great likelihood of its not getting hold of that truth, and then it became the greatest curse. He could not, therefore, but look upon the whole course of the late meetings, and the notice which the Secretary for the Treasury had given, and the speech of the hon. Baronet the Member for the University of Oxford, as among the greatest blows ever inflicted upon the Church of England. The members of that Church had been taunted with being members of a mere "Act of Parliament Church," and the hon. and learned Member for Sheffield, in a speech, the greater part of which he (Mr. Hope) had heartily concurred with, had repeated the accusation, and declared that he could give no better definition of a member of the Church of England than that of a man who, in religious matters, bowed to the authority of that House. Now, although he (Mr. Hope) bowed to the authority of that House "on many questions, he certainly could not, did not, and always would not," bow to its authority on the subject of religion. Such, however, was the accusation. And how had it been answered by this agitation? Because a foreign Prelate, the weakest prince in Europe, had sent hither thirteen men with certain names—men poor in circumstances, and comparatively unknown beyond the places where they lived, and from which those names were given them—this great House of Parliament—this Imperial Legislature—this representative of the greatest Power of the world, was all excitement, and announced that our liberties, our lives, our religion, were all in danger. And why? Because this foreign prince, who was taunted by everybody with his weakness, in the same time that they showed their fears of the aggression, had sent thirteen men, and distinguished them by the names of the towns in which they resided, and by which they would be continued to be designated by those over whom they ruled, in spite of all legislation by that House. If this were not humiliating and degrading for a great empire like this, he did not know what was humiliating, and degrading, and disgusting, on the one hand, and what was great and magnanimous on the other. It was said the prerogative of the Crown had been insulted, and that something must be done to vindicate its dignity, and show that these titles were illegal. There was one obvious way of doing this; and that was to "ignore" them. The Roman Catholics had been emancipated, although it was known at the time that the first tenet of their religion was, that they must be governed by territorial bishops. The law had been laid down that the exercise of those tenets was not inconsistent with the duties of citizenship; and the Roman Catholics had exercised those tenets, and had appointed bishops with territorial titles. As a member of the Church of England, no doubt he felt this annoying. It was annoying that, in the great city of Westminster, teeming with souls under the care of the Church of England, the opportunity should have been allowed (through a niggardly parsimony) to pass by for giving to the noble abbey its proper representative—a bishop of the Church of England, who would, among the "slums" of that city, search out the lost sheep of his flock. It was annoying that another, and an antagonistic, body should have seized the opportunity thus neglected by the Church of England. He regretted this, but could not conceive it wise or statesmanlike to remedy the evil by imposing penalties. The House, however, were not assembled there as members of the Church of England, but as citizens of the British empire, in which all religions had the rewards of citizenship equally free and unrestricted. The Cardinal's title, like that of the "President of the Conference" with the Wesleyans, might not be recognised by law, except that in a suit evidence might be given that he exercised a certain authority over Roman Catholics. The nation might, if it pleased, "ignore" the title, and refuse the Roman Catholic hierarchy admission at Court. Private individuals might, if they liked, have the bad taste to address the Cardinal as Mr. Wiseman, or Nicholas Wiseman. This would be offensive enough, but this was just what the nation as a body was going to do. But would this course be worthy of a great nation? Would it be creditable to imitate the discourtesy which would be considered discreditable among private individuals. This great nation, by acting as it did, confessed its own weakness; but he (Mr. Hope) repudiated the idea altogether that any bull from the Pope, or any pastoral letter issued from the Flaminian Gate, could pull down the Crown or the religion of England. Let those who thought so be fearful if they chose; but, for his part, he had greater faith in the stability of the Crown of England, and far greater faith in the Church of England.

Mr. C. ANSTEY said, he would certainly have moved an Amendment and divided the House upon it, had he thought, as some hon. Members appeared to think, that the Address pledged him to any line of conduct opposed to liberty of conscience. But though he did not conceive that the Address at all embodied the spirit of persecution, he was of opinion that those Members who considered that it did, should show their sincerity and consistency by proposing an Amendment. He did not find either in the Speech or in the Address any such principle laid down, nor any allusion to it, nor a single syllable to which, as a member of the Church of Rome (but not of the Court of Rome), he could not heartily subscribe. It had been erroneously imagined that all Protestants were against the Papal measure, and all Catholics in favour of it. That all Protestants were not against it, had been shown by the speeches of the hon. Members for Sheffield and Maidstone; and that all Catholics did not approve of it, he was there to bear testimony. Nor did he hesitate to call it an aggression—not for the reasons which had been assigned by the hon. Member for the University of Oxford, but for reasons of a totally different and independent character. There was a distinction between the English and the Irish Roman Catholic Churches which should not be lost sight of. The Church of Rome in Ireland was governed by canon laws, not derived from the Pope, but from herself, and under which she had been happy enough to be placed ever since the days of St. Patrick. But the Roman Catholic Church in England had long been in a most anomalous position. Ever since the removal of the restraints imposed by the Elizabethan and Stuart codes upon the exercise of Roman Catholic discipline in this country, there had been raging a fierce and unseemly contest between the prelates on the one hand, and the second order of clergy and likewise the laity on the other, the point in dispute being the management of the endowments and temporalities of their church. The whole difficulty was occasioned by the doubt which had arisen here—but never in Ireland—whether or not the Protestant reformation had abrogated the rights which belonged to clergymen and laymen under the ancient canon law. Of course the prelates maintained that it had, and their opponents that it had not: and therefore each party was equally solicitous to have the doubt—for it was nothing more—resolved in its own favour. This was to be done only with the concurrence of Rome. Accordingly, for many years past, there had been petitions and counter-petitions to the Holy See—the prelates petitioning in one sense, —the clergy, monks, Jesuits, and laity, in the other. The prelates sought to maintain over their clergy and spiritual subjects an unreserved and unfettered jurisdiction —a jurisdiction not restrained by canon law—an ecclesiastical jurisdiction, that is to say, one which included temporal things as well as spiritual things belonging to the Church. Their opponents endeavoured to obtain at Rome the denial of a subjection so galling. It was, therefore, true, as his hon. and learned Friend the Member for Sheffield had stated, that the Roman Catholics here had petitioned the Pope for a hierarchy of their own election; but it was equally true that they had been met by counter-petitions on the part of the bishops, praying that no hierarchy, to be elected by the clergy, should be granted to England; that the canon law of the Church should not be applied to the clergy of the second order, or laity; and that, instead of it, an absolute authority should be vested in the bishops. Owing to this conflict of opinion, the Pope held his hand, and for many years did nothing. He (Mr. Anstey) was now speaking not merely to a matter of history, but to a matter in which he himself had been an actor. In 1839, for example, he had been instrumental in forwarding one of these petitions to Rome on the part of the laity, and to that petition some of the most distinguished names amongst the Roman Catholics of this country were subscribed. But the question had been especially agitated in 1837; and he held in his hand a document of that date, issued by Pope Gregory the Sixteenth, professedly founded on the petitions of the inferior clergy and laity of the English Roman Catholics. It was entitled *Statuta Proposita,* and it proposed the establishment of a hierarchy here on the basis of canon law and free election. But it expressly denied the bishops the right to territorial titles, on the ground that the state of things here did not call for such. The clergy unanimously approved of and adopted these proposed statutes. The laity were delighted with them. The bishops alone objected to them, and their objection was unanimous to a measure which would for ever have deprived them of the desired privileges of self election and uncontrolled power over as well the temporalities as the spiritualities of the church. The *statuta proposita* were, therefore, withdrawn, and the disgraceful contest continued down to the recent appointment of Cardinal Wiseman—an appointment which had taken by surprise all but his own immediate adherents—and was believed to have been obtained from the Pope by an entire misrepresentation of Roman Catholic opinion in this country. In this manner was a hierarchy now established—without election—without law— and invested with arbitrary power over all clergymen, secular, regular, and Jesuit, and also over the temporal and spiritual affairs of the laity themselves under the name of government ecclesiastical. All vested rights, all previous canons, all existing usages, were swept away, and in this place the Cardinal and his bishops were to make what ecclesiastical ordinances they would. To understand the effect of this edict, let them suppose the case of a Roman Catholic heir of the founder of a Roman Catholic chapel; and, as such, having the *jus patronatus* by canon law over it. That canon law being now repealed, let him attempt to exercise the right of patronage—exercised, perhaps, for centuries by his forefathers, and his bishop will for the first time be in a position to defeat it; and, according to the practice of our courts, to call in the civil power to compel the ex-patron to obey; for Lord Mansfield had plainly laid it down that a protected religion was an established religion, and entitled, as such, to the assistance of the courts of justice in enforcing its own by-laws and its own discipline. Now, without going further, was the edict not a manifest aggression, in this respect, upon the prerogative of Her Majesty, and the rights of Her Roman Catholic subjects? They were bound to restrain it. He believed that the existing law was sufficient for the purpose; but, if not, they must legislate. Interfere in some way they must. Otherwise, speaking deliberately, and as a lawyer, he warned them that the Pope's letter, unannulled by competent authority, would become law, or *quasi*-law, for the Roman Catholics; and so far for the courts of this country, that they would be bound to take notice of it in legal suits, as in the administration, for instance, of charity funds, by the Court of Chancery: for by the course of that court, which was part of the law of the land, all Papal briefs and bulls are to be recognised as the by-laws or ordinances of the Catholics, by which they regulated their ecclesiastical affairs. It would be an extraordinary spectacle to behold the Queen's Court of Chancery occupied in enforcing a Papal edict against Her Roman Catholic subjects, and compelling them to surrender the temporal rights in obedience to its mandate; for this would be precisely the case with a Roman Catholic patron attempting, as he had just now supposed, to exercise his right of nomination. Not only could he no longer enforce his right, but the bishop would be henceforth entitled to the Queen's writ of injunction, and the whole prerogative process of Her Chancery to prevent its exercise. Surely this matter was one of great importance. Surely the ecclesiastical and temporal interests of some million and a half of persons—for such the numerical strength of the Roman Catholics in England and Wales was estimated at, were worthy of their consideration; and all that the proposed Address assured the Crown was, that they would consider them. We have no choice in this matter—we must interfere. If we do not annul the bull, we acquiesce in it, and determine to enforce it, or else we propose to regulate its action. It is therefore absolutely necessary for us to consider the matter, and advise Her Majesty. There is scarce an ancient Roman Catholic congregation, whose endowment is not of sufficient magnitude to give Her Court of Chancery the jurisdiction to entertain a suit for the administration of its trusts; and in such a suit it is the spirituality that is the principal concern, as drawing the temporality after it. It is thus that under colour of ecclesiastical affairs those of a purely temporal nature are affected by this bull, and that this bull, unless annulled or restrained in some manner now, will bind the temporal courts hereafter. In the case of a dissenting charity, it was well observed by Lord Mansfield (and it was equally true of Roman Catholic charities), that the spiritual function is the principal, and that the temporalities follow it, even as the gold chain of office follows the function of mayor. There remained but one other fallacy for him to answer. It was said, that this was at most a question affecting Roman Catholics themselves, whose fault it solely was, if they chose to submit to the tyranny of their own prelates; and that it was not for Parliament to emancipate them from that undue influence. The objection was specious, but unsound, and moreover came too late. Had they not over and over again legislated in order to keep down undue influence? On what ground did they pass the statute of mortmain? On what ground did they defeat testaments when obtained under circumstances surrounded with suspicion? How frequently had it been held by the court a sufficient evidence of fraud when a legacy has been left to the physician, or solicitor, or clergyman, who attended the dying moments of the testator; and yet how natural does not a bequest of such a kind appear? If there was any force in the objection, why did they interfere between the labourer and the master — between the millowner and the factory child? They were told then that the parties were free agents—that they were contracting parties, and that it was to be presumed that there was no undue weight of influence on one side or the other. But they answered to that,

that there were concessions which power and wealth always wring from poverty and weakness. It was impossible, spiritually speaking, for the Roman Catholics of these countries, unless they passed temporal obstacles in the way of this Papal assumption, to escape the consequences of this bull. Submit they must sooner or later. It was not in human nature to bear the denial of the sacrament, the exclusion from those rights and privileges which the Church accorded to her members, and which exclusion would be the penalty of disobedience. It has always been the policy of the Court of Rome—a wise and humane policy—to take external difficulties—and especially those created by municipal law—into consideration. Where these are of magnitude, obedience to her mandates are not strictly enforced. If the House took this matter into consideration in the spirit which Her Majesty's Government had called on them to consider it, they would do well not to confine themselves to the barren and dull question of title. It would be for them to pass under review those securities which were guaranteed on the Relief Act, involving as they did the whole question of the *status* of the Roman Catholic, his rights and his duties, the position of the members of that communion to one another, and towards the State; and when they had done this, they would be able to deal with things, and not with names. But whatever legislation you may adopt not based upon those principles, will be futile to effect the objects which you contemplate. He would apologise to the House if he entered upon a matter somewhat personal to himself. The hon. and learned Member for Sheffield had said that in 1848 it was understood that an Archbishop of Westminster was going to be appointed, and that it was well known that no protest had been made against it. Now, a protest had been made against it by the hon. Baronet the Member for the University of Oxford, upon the occasion when he (Mr. Anstey) introduced a Bill to repeal the Roman Catholic disabilities, and then he made a statement which he had still no doubt was true at the time, but which subsequent events had falsified. He stated, that before there could be an Archbishop of Westminster there should be an hierarchy, and that there could be no hierarchy without clerical election, and a defined canon law; and that upon those points such dissensions and difficulties had arisen, that the whole matter, which he understood had been in contemplation, had been postponed *sine die.* That, he even now believed, had been the Pope's determination at that time; but unfortunately the Roman revolution occurred, and the flight to Gaeta, and the other deplorable circumstances connected with those events. Maintaining, as he hoped he should always maintain, the deepest respect for the person and office of the Pope, he must say that there had been a most unfavourable and unfortunate change in his subsequent policy. He thought it was a lamentable thing that the great reformer of 1846 and 1847, utterly unmindful of his former glories, should place himself at the head of the contemptible and reactionary camarilla of reactionaries who now occupied the capital of the Christian world. He thought he could defend the noble Lord at the head of the Government from the charge that this intended creation had been notified to him or to Lord Minto, and no remonstrance had been made. He believed that, far from Lord Minto being made acquainted in 1848 with this fatal resolution of the Pope, it was not until Cardinal Wiseman went to Rome last summer that it was finally decided upon. There was no doubt, in fact, that it was then left to his own choice whether he would come back vicar-apostolic or cardinal-archbishop. He (Mr. Anstey) had never missed an opportunity of recording his sentiments in favour of civil and religious liberty, and it was not likely that he should begin the trade of persecution upon his own person and upon those of the professors of his own religion. If the Ministers proposed to the House a Bill which was equal to the occasion, he cared not what might be the personal consequences arising from those of his own faith, and affecting his position—he would give them the humble benefit of his vote. But if the Bill was reduced to the barren question of title, he would not support it, neither would he support any portion of the Bill which might relate to Ireland—a country the position of which was so widely different from that of England—a country which had never lost its hierarchy, or accepted a new one from a foreign Power—a country which had never submitted to the imposition of canon law from the hands of any pope or bishop or vicar-apostolic, but which had been so fortunate as to retain its ancient usages, its *jus canonicum*, which originated in the days of St. Patrick. If there were to be any division, he would give his vote that night in favour of the Address, and in opposition to any Roman Catholic Amendment.

MR. PLUMPTRE agreed with his hon. Friend the Member for the University of Oxford, as to the opinion he had expressed respecting the present position of affairs. He never remembered, during the whole course of a long public life, anything which had excited so lively, so deep, and so indignant a feeling in the breasts of the people as the Papal assumption. He must say, and he did so with some regret, that he was afraid that the feeling which had been so loudly and, as he thought, so justly expressed by the country, had not been met with sufficient strength, and in the manner that had been expected, in the Speech from the Throne. He was not anxious to go further on this point; but he was willing to wait, and he hoped the Protestant people of this country would wait, until they saw the Bill that the noble Lord at the head of the Government would propose. He hoped it would be calculated to meet the case. He must tell the noble Lord that if the Bill were not such as had been calculated upon, that feeling which had been already expressed so strongly, would show itself with redoubled energy, and he thought it ought to be so. He told the noble Lord that he might depend upon it that the Protestant people of this country felt themselves in no ordinary situation; they were influenced by no ordinary feelings; they considered that their highest, their best, their holiest interests were at stake. He believed that to a man the Protestant people would show themselves determined to act in a legitimate and constitutional manner; and he hoped, with the blessing of God, that they would be able to maintain those interests that were most dear to them. He trusted, then, to find the noble Lord act in accordance with those professions which were to be found in his letter addressed to the Bishop of Durham. Let the noble Lord be faithful to the infinitely important trust placed in his hands, and the country would go with him. It had been rumoured that some of his colleagues were not agreed with him on this subject; but if he might be permitted to advise the noble Lord, he would say, "Get rid of those colleagues." The country had no desire to part with the noble Lord, but there might be one or two of his colleagues whom the country would not be sorry to part with, if they impeded his views. He could assure the noble Lord that the feeling that now prevailed was not one that could be at all regarded as evanescent. It was one that would show itself again and again, and he trusted that it would not be manifested in vain.

The EARL of ARUNDEL AND SURREY said, he quite agreed with the hon. Member who had preceded him that it would be better to refrain from any remarks until the Bill of which notice had been given, came regularly before them for discussion; but this he desired to say, that, come from whatever quarter it might, any attack made upon the liberties of the Roman Catholic Church, he in his place in Parliament would to the best of his power oppose. He would do his utmost to repel any such attack. If the measure that was now in preparation should be carried through Parliament—for the opponents of the Catholics were strong, the Catholics themselves were weak—then, he said, in that case he trusted that the Catholics would show how they could suffer with dignity.

MR. FAGAN expressed his entire disapprobation of the speech which had just been delivered by the hon. and learned Member for Youghal. That hon. and learned Gentleman enjoyed the deserved reputation of being a great constitutional lawyer, and one who had applied himself much to ecclesiastical law; but notwithstanding his attainments in this respect, he (Mr. Fagan) differed *in toto* from him in the view which he had taken of this question. The hon. and learned Gentleman had said that he was not a member of the Court, but of the Church, of Rome. This was a distinction which he did not understand, and as a Roman Catholic he repudiated it altogether. The hon. and learned Gentleman had also said that there was a marked distinction between the Roman Catholic Church in England and in Ireland—that the Roman Catholic Church in Ireland was not an endowed Church, and that the Roman Catholic Church in England was endowed. This was the first time that he had heard of the Catholic Church in England being endowed. Neither of the churches were endowed, and this fact was the principal reason which induced him to resist the proposition of the Government, for, as neither Church was endowed, the Government had no right to interfere in their affairs. The hon. and learned Gentleman had also said that the canon law existed in the Roman Catholic Church in Ireland, but not in the Roman Catholic Church in England. The Catholics of Ireland we~~re~~ governed by an hierarchy, and that hierarchy had never been disturbed; but, in the reign of Queen Elizabeth, the Roman Catholic hierarchy in England had been abolished, and, consequently, there could be no canon law. The principal object of the re-establishment of the hierarchy in England was to introduce the canon law. The hon. and learned Gentleman had also informed the House that for years past there had been conflicts going on between the Roman Catholic bishops and the secondary clergy; but the cause of those conflicts was to be traced to the circumstance that the clergy were under the control of bishops without any canonical institutions and regulations. It appeared to him that the hon. and learned Gentleman had not made out any case for resisting the re-establishment of the hierarchy in England. He (Mr. Fagan) had been given to understand that the Roman Catholic clergy were to have those rights and privileges conferred upon them which the other clergy enjoyed, and that nothing but the prevailing excitement in the public mind had prevented Archbishop Wiseman from summoning a meeting of the various bishops for that purpose. The hon. Gentleman who had seconded the Address had asked the Roman Catholic Members of the House not to enter upon a discussion of the question upon the present occasion. He, for one, would have been perfectly willing to follow that advice, as he knew the prejudice which existed in the country, and probably in the House, against Roman Catholics; but, whilst the hon. Seconder of the Address gave this pacific advice, he was himself the person to throw the apple of discord among them, so that it became impossible for Roman Catholic Members to pass over the subject in silence. He was not satisfied that the Address should pass without an amendment being proposed. He could not separate the Address from the notice of Motion which had been given by the noble Lord. The noble Lord had expressed his intention to introduce a penal measure, directed against religious liberty; and connecting that notice of Motion with the Address, he could not allow the debate to pass without an expression of opinion on the part of the liberal and Catholic Members of the House. The notice of Motion which the noble Lord had given was totally inconsistent with his oft-repeated declarations that it was no longer possible to refuse the recognition of titles to Roman Catholic dignitaries. He (Mr. Fagan) did not apprehend that the measure of the noble Lord would be anything but an impotent conclusion; but at the same time it could not be regarded in any other light than as an attack upon civil and religious liberty. He regretted that the noble Lord, who had devoted a long life to the maintenance of civil and religious liberty, should permit a bigoted outcry to be the foundation for coercive measures. The Roman Catholics as a body denied that the present movement was to be traced to any foreign interference whatever. The Pope, although the sovereign of the Roman States, only claimed a spiritual power in other countries; and it had been admitted over and over by the noble Lord at the head of the Government, and also by the Secretary for Foreign Affairs, that it was necessary that the spiritual head of the Catholic Church should be independent of all other Powers, on account of the spiritual supremacy which he exercised over the subjects of so many foreign States. He regretted that some strong measure had not been adopted by the Roman Catholic Members of the House to show that they were not consenting parties to the Address.

MR. HUME said, that if a stranger entered the House he would be sure to imagine that they were a set of ecclesiastics met to discuss some Church question. No notice had been taken of any other matter. It appeared to him, from the discussion, and from the difference of opinion expressed by Roman Catholics themselves, that they were not in a position to offer any opinion on what the measure was. He perfectly agreed with the sentiments which had been expressed by the hon. and learned Member for Sheffield, and he believed that thousands in this country, when they came to reflect on the true state of the question, would wonder how they could have been so led away. He maintained that not one argument used by his hon. and learned Friend, had been met by the hon. Baronet the Member for the University of Oxford, or the Member for East Kent. Nor had any one asserted that he had taken an erroneous view of the question. If he were to judge from the Speech of Her Majesty, no danger would arise from the proposed measure:—

> "I have, at the same time, expressed my earnest desire and firm determination, under God's blessing, to maintain unimpaired the religious liberty which is so justly prized by the people of this country."

He took that to be the ground on which

the Motion of the noble Lord would be founded. They had 38 bishops and 18,000 clergymen to maintain the faith, besides 14,000 belonging to dissenting institutions; and what ought to be the danger if these men did their duty? He must concur in the opinion of the hon. Member for Maidstone, that there was no necessity for the power of the State being called upon to support the Protestant religion. If it could not be maintained without the power of the State, it must be weak indeed in argument, and its foundations could not be solid. When he referred to the power which the Protestant Church had in this country, to the number of its advocates, and to the amount of its funds—for that was an important point—it did appear to him that the present outcry placed the country in a humiliating position. He would, however, postpone any further observations upon this subject till he had the pleasure of hearing the provisions of the measure which the noble Lord intended to bring forward, being firmly determined, at the same time, to do all that was in his power to resist every measure which savoured of persecution. But he could not believe that the noble Lord, whom he had followed for years as the great advocate and champion of religious liberty—he could not believe that at this time he would so far sully his character as to introduce any measure which would be of a persecuting nature; and, be it remembered, that any measure of coercion, however trifling it might be, would be a measure of persecution. There were one or two other paragraphs in the Speech, to which he would refer, as well as one or two omissions, of which, he thought, he had good right to complain. And first, he must say, that he observed with regret fully one-third of the Speech was taken up with the affairs of foreign countries. He was afraid that the Members of the Cabinet were occupying their time more with the affairs of foreign countries than with their own; and it would be much better if their time and their talents were more taken up with domestic affairs. There was one expression in the Speech in which he certainly could not agree. It was this—

> "I am much gratified in being able to inform you that the German Confederation and the Government of Denmark are now engaged in fulfilling the stipulations of that treaty, and thereby putting an end to hostilities which at one time appeared full of danger to the peace of Europe."

Now, was there any man in England who would tell him that he was satisfied to see Austria in possession of the free town of Hamburg—a town which had enjoyed its freedom for more than three centuries—against the protest of its inhabitants. Yet they had allowed Austria, supported by Russia, to do this; and the English Minister, by signing the protocol to which the Speech referred, had confirmed that oppression, and had given force to those united Powers to overwhelm the liberties of Germany, while the protests of Hanover and of Hamburg were held to be of no use or value whatever. He trusted that Her Majesty's Government would, as speedily as possible, lay all the correspondence on this subject before them, that they might be able to judge of the character of the whole transactions. If he were rightly informed, Prussia complained that she had been sacrificed by England to the interests of Austria. He granted that there might be certain portions of the claims of Denmark which deserved our assistance; but, looking at the results—seeing that the Austrians were in possession of Hamburg, and that the liberties of continental Europe were in danger—he could not say that there were any reasons for congratulation upon the subject. There was another subject which had given him more satisfaction—he referred to the paragraph which promised a reform in the administration of justice. Much as he advocated the necessity of a reduction in taxation, he was one of those who considered that the Court of Chancery inflicted heavier taxation than that which was required by the taxation of the country. The amount of the one they knew, but the extent of the oppression of the other was unknown. The amount of property that was sacrificed, the number of individuals who were sacrificed, or who lingered out their miserable lives in the expectation of justice which never came, was beyond all computation. They might learn, if they would, from those offshoots of their empire, the United States, how to deal with this question. They had had the good sense to abolish the Court of Chancery altogether; and that measure promised to be attended with the most beneficial effects. There were other measures, of which he highly approved, such as a system of registration, by which a transfer of property would be more easily effected. But he regretted that nothing was said on the subject of taxation. They had been led to believe that they were to find relief from some of their most oppressive taxes; but he found no such hopes held out either by the mover or the seconder of the Address. Then with regard to reform, there was nothing said, though he gave the noble Lord credit for being willing to introduce a measure of reform in the representation of the House, which he said he was prepared to do last Session. It was stated in the Speech that the working classes of the country were well employed. He supposed Her Majesty's Government meant the manufacturing classes, for he could state that that remark did not apply to the agricultural classes. He knew that in the county of Norfolk the average wages of the agricultural labourers were from seven shillings to eight shillings per week; and he believed that in Wilts and Dorset and other counties it was even below that sum. But he admitted that the manufacturing classes were well employed; and he urged that now while they were so, and while there was a lull in political agitation, the House and the Government ought to consider whether they did not owe a measure of justice to those intelligent bodies, the artisans and workmen in these towns, to consider whether such men had not been deprived of the rights which the constitution gave them, and whether the time was not now come when they ought to extend the suffrage to them, and afford them that participation in the control of the affairs of the country which, by the constitution, they were entitled to. Only one-sixth of the male inhabitants of the country elected the Members of the House, which imposed taxation not only upon their own constituents, but upon the remaining five-sixths who were the main sources of the country's wealth—who were most interested in good government, and who, therefore, ought to have a larger share than others in the management of the country, instead of which they had no share at all. Was that justice? Did it become a people who claimed to be the most wise and enlightened on the face of the earth, that they should continue a system which had been condemned in every other part of the world? for there was not a portion of Europe which had not established a wide and liberal system of suffrage, till the brute force of Austria and Russia was brought to bear upon them. He entreated the noble Lord to consider this question. Allusion had been made to difficulties existing in the Cabinet. He, for his part, cared not who the Members of the Cabinet might be, but he wished the noble Lord to redeem the pledges which he gave the country in 1830. On the occasion of bringing forward the Reform Bill, the noble Lord stated, that if that measure did not secure a fair representation of the country, he would bring forward other measures that would do so. Now, he would ask the noble Lord, were they much better than they were before? There was another matter to which he would refer—the Bible monopoly, which he considered was disgraceful to this country. Her Majesty, in answer to the addresses which some time ago were presented to Her, desired Her people to consult their Bibles as their surest safeguard against Popery; while, all the time, Her Majesty, by Her Royal patent, limited the printing of the Bibles to certain individuals and public bodies that were interested in keeping up the price of the Bible. Could anything be more inconsistent than that? Then, again, he wished they had some assurances that the colonial system would be revised. Last year he gave the noble Lord credit for the able, manly, and constitutional speech he had made on the subject of the colonies, and this year they heard nothing whatever of the subject. Why was this? Were the complaints of the colonists less loud, or were they less founded in justice? Was there a single colony that was not complaining? And yet there was not a word said upon this subject. He consoled himself, however, for this and other omissions with the concluding paragraph in Her Majesty's Speech, which seemed to him to be capable of containing all that he was asking for. Her Majesty said—

> "To combine the progress of improvement with the stability of our institutions, will, I am confident, be your constant care."

That was all he asked for. He wished reform to be carried out in a quiet and temperate manner, as he was satisfied that the result would be more beneficial to all parties, and that they would never be required, as in some other countries, to try back in their reform. The Speech went on—

> "We may esteem ourselves fortunate that we can pursue, without disturbance, the course of calm and peaceable amelioration."

If that were so, why not extend the suffrage—why not remove the injustice that was now inflicted upon such large numbers of their fellow-men? He trusted that, under these words, the noble Lord meant to bring forward some measure of progress which would meet his expectations. The Speech concluded—

> "We have every cause to be thankful to Almighty God for the measure of tranquillity and happiness which has been vouchsafed to us."

He also thought they had cause to be thankful, and he trusted that their gratitude would find expression in doing justice to their fellow-subjects, which would have the effect of making them satisfied with the Government, ready to appreciate every valuable measure, and to repudiate and put down everything that was dangerous to the safety of the State. In that case they would not require a standing army of 100,000 men. On this subject he wished Her Majesty would recall to mind the answer of Queen Elizabeth, who, when asked where were her forces to resist the Spanish Armada, answered, that her subjects were her guards; on them she depended, and to them she looked for support. Let Her Majesty act in the same spirit, and the half of the present unnecessary and useless establishments might be disbanded, which would be for the advantage of all classes in the country.

COLONEL SIBTHORP said, he regretted to have heard one of his hon. Friends from the county of Kent state that he did not wish to get rid of the noble Lord at the head of the Government. Now, he begged to say that he was of opinion that that was not the expression of the general feeling of the country. For his own part he heartily desired to get rid of the noble Lord, as well as the whole of his colleagues. One scabbed sheep spoiled the whole flock, and therefore the sooner they were all of them swept off the Treasury benches the better. He imputed all that had happened in reference to the Papal aggression to those who were, he might say, under the noble Lord's command—he alluded to Earl Minto, the Earl of Clarendon, and others. The noble Lord had talked of his alarm and indignation, and that alarm and indignation had extended to the country at large—but who was the cause of it? Why, the noble Lord himself and his party! Her Majesty's Speech was full of hopes and promises with regard to the condition and prospects of the manufacturing and agricultural interests; but they reminded him of the old saying, that while the grass was growing the cow might starve. Well, he (Colonel Sibthorp) had recently come from an important county, where he had made himself acquainted with the opinions, feeling, and sufferings of that great and important body—the agricultural interest—the owners, occupiers, and ill-paid tillers of the soil. But there was scarcely a word in the Speech about that suffering interest. The fact was, that the Speech was not the Speech of Her Majesty, but of the Minister, and that Minister one of the Russell family, one whose ancestors had thought everything of agriculture, and encouraged it. But he was sorry that, in their descendants, they had left a miserablé remnant. When the Speech should go down into the agricultural districts, it would occasion no disappointment, for they had never entertained hopes of what such a man as the noble Lord would do: they agreed with him (Colonel Sibthorp) that the sooner they could get rid of him the better it would be for every interest. With regard to the flourishing state of trade and manufactures, let them go down to the city he had just left, and they would soon find what was thought there of free trade, and of that which he did most strenuously condemn—that fraud upon the public called a "Glass House"—the "Crystal Palace"—that accursed building, erected to encourage the foreigner at the expense of the already grievously - distressed English artisan. Would to God—he had often wished it—that a heavy hailstorm or a visitation of lightning would but a stop to the further progress of that work! Their property, their wives and families would be at the mercy of pickpockets and whoremongers from every part of the earth. Oh, it would be a beautiful sight! There was a charming building, and there would be the most entertaining recreation provided. This was another specimen of the encouragement of free trade. How much money had been fooled away upon this experiment he did not know; but he apprehended that his right hon. Relation the Chancellor of the Exchequer did not feel very comfortable upon the subject at the present moment. The noble Lord had given notice of a Bill with regard to the Papal aggression; but he (Colonel Sibthorp) anticipated very little good from that. He believed it would prove a mere flash in the pan; that the noble Lord meant to do nothing, and that his intention was to succumb to that party without whose aid he could not retain office another week. There were the humble observations which he had to offer. He would not oppose the Address; but let it "go off." He venerated his Sovereign, but upon Her Ministers he looked with supreme contempt.

MR. GRANTLEY BERKELEY said, that with respect to the paragraph in Her Majesty's Speech respecting the Papal aggression, he should reserve his observations upon that subject until he had heard what was the nature of the measure which Her Majesty's Ministers proposed to introduce. He should then, as a true Protestant, vigilantly watch it, and jealously observe it on account both of Protestant Dissenters and Roman Catholics; for he greatly feared the interests of civil and religious liberty might again come under discussion in that House. Passing from that topic, he came next to a portion of Her Majesty's Speech which was also of vital importance; it was in these words: "The state of the commerce and manufactures of the united kingdom has been such as to afford general employment to the labouring classes." Now, if this were meant to include the agricultural labourers, he (Mr. G. Berkeley) must take upon himself to say that he differed from the assurance it conveyed: for he perfectly well knew that there was a dearth of employment, and the greatest possible distress experienced at this moment throughout the counties of England. The hon. Member who seconded the Address had congratulated them upon the flourishing state of trade, and the prospects of agriculture. Now he (Mr. G. Berkeley) happened to hold in his hand a letter from a great and important county, Suffolk, and from a locality in that county to which he called the attention of the House last Session, when he stated that great distress prevailed therein, and that he believed it was increasing. On that occasion he was met with cries of disbelief from the Ministerial side of the House. But what was the state of the agricultural population in that district now? He spoke of the union of Bosmere and Claydon. It appeared that in 1849 the inmates of the union numbered 267; in 1850, 333; and in 1851, 480; whilst there were 60 additional applications for admittance to the union house within the last week. He drew the attention of the House to this statement, because it came from a district where, if agriculture were prosperous at all, a good sample of that prosperity would be found. He regretted that, under these circumstances, the Speech of Her Majesty contained no reference to the state of the tenant-farmer—the suffering condition in which he now was, and the oppression to which he was subjected through the application to him of the income tax. There could be no doubt that the state of the tenant-farmer did call for the earliest attention of Her Majesty's Government; provided that they did not intend to throw the agricultural interest completely overboard, in the present Session as they did in the past. One other topic to which he would allude was that mentioned by the hon. Member for Montrose—namely, the situation of the colonies. He trusted, before the Session was over, that that also would come under the consideration of the House; for he believed there was not a class of Her Majesty's subjects who had borne so much wrong, and that so patiently, as Her Majesty's subjects in the colonies.

MR. GRATTAN said, the hon. Gentleman who seconded the Address, congratulated the people of the country upon the improved prospect of agriculture and manufactures. Now he happened to live in Ireland in a manufacturing district, and the only improvement that had taken place in that branch of industry, was the building of a chimney 150 feet high, which would vitiate and corrupt the air of the neighbourhood. The improvement in agriculture consisted in the depression of his tenants and those of other proprietors. Thousands of poor were constantly leaving their native land; his servants, his tenants, his very maid-servants, had left the country: in fact, nobody who had either talent, beauty, or ability, would stay at home. In the Cellbridge Union the number of paupers was increased from 1,500 to 2,400, and there was a general demand for the increase of workhouse accommodation for the helpless and utterly indigent, which vastly increased the rates. With such a state of things they had no great reason to congratulate the united kingdom upon its growing prosperity. He agreed with the hon. and learned Member for Sheffield, that if such a Bill as that proposed to be introduced were passed, that it would be a disgraceful proceeding. He was at a loss to understand how a nation could be so confused and shaken of its wisdom, as to believe that a great body of people would tamely submit to be prevented from the free choice of their religion—to think that the Roman Catholics could be scattered about like chaff as they pleased. It was said that Roman Catholics were tolerated; and one Gentleman, a Member of that House, recently used that phrase, and this additional one, that the

Roman Catholics had better take care that they were not driven out of Ireland. The Roman Catholics, and he amongst the number, would rather give up all their property, and lose their lives, than that the Bill should be extended to Ireland. Thank God the people of Ireland had outgrown chicanery, and exhibited no want of Christianity or of religion. They would never submit to penal laws, and this was not the age for an experiment such as that proposed upon their intellect or passions. The Act of 1829 was intended as a settlement of a great question, and he saw no reason why they should move in a retrograde direction. He could only characterise the letter of the noble Lord at the head of the Government as an after-dinner effusion. He should like to know how any man had any right to wantonly criticise and abuse the religion of his neighbour as the noble Lord had done. Could they with any decency tell the Catholics of Ireland, when they came over to the great Exhibition, that they were idolaters, and deserved to be stigmatised and reprobated? The noble Lord in his letter denounced the Catholic rites as mummeries of superstition—that was not a charge against English, Irish, or Scottish Catholics only, but against Catholics throughout the world. When the noble Lord talked of Catholicism contracting the mind and enslaving the soul, he ought to have called to mind the productions of Fenelon, Metastasio, and an hundred other great writers who belonged to the Catholic Church. Was it in their works that such doctrines could be found? Why, he had always thought that the great complaint was that the Catholic religion extended the mind, and prevented it, therefore, from being enslaved. It was impossible that it could enslave the soul, because the soul was an essence. The noble Marquess who moved the Address alluded to civil and religious liberty; but of what use was such allusion, if they undermined that liberty by their acts—if they sent a firebrand from one end of the kingdom to the other? He would ask whether Roman Catholics did not live in peace, comfort, and happiness before this agitation arose? Were they to have that peace now destroyed? If the people were to be continually insulted by letters and penal laws, the Government could never expect peace in the country, and, for his own part, he hoped in God, while such things lasted, they never would and never should. On Friday, the 7th February, the noble Lord at the head of the Government intended to bring in a Bill to prevent the assumption of certain ecclesiastical titles in respect of places in the united kingdom. The hon. Member would give the noble Lord notice, that he would move that the words "united kingdom" be erased from the Bill, and the words "England and Scotland," inserted in their place; and he would also express his determination to divide the House on every stage of the Bill, if necessary, for that purpose.

MR. BANKES said, that, before the debate concluded, there were passages of Her Majesty's Speech upon which the representatives of the agricultural interests of the kingdom must feel it to be their duty to make some remarks. In respect to the great subject of excitement at the present moment throughout the united kingdom, the House had been told that, on Friday next, a Bill was to be introduced which was to have particular reference to that question. He, for his own part, was willing to reserve his opinion until then. But he, for one, could not blame the head of the Government for bringing the subject prominently forward for discussion, with a view to early legislation, which he thought was so necessary in reference to that important subject. He would offer no remarks in opposition to the hon. Member who had last spoken; but he must be allowed to tell him, that this was not a question between Catholic and Protestant, because some of the most eminent of the Roman Catholic Peers had taken exactly the same view which the noble Lord at the head of the Government had taken. We had been before this aware of the respected names of the Duke of Norfolk and Lord Beaumont; and if the hon. Gentleman had been with him in another place that evening, he would have heard another Roman Catholic Peer, with great eloquence and great effect, taking the same side of the question. This question he (Mr. Bankes) admitted, when applied to Ireland, must be viewed as having the effect of an *ex post facto* law. But still it was not one in which it could fairly be viewed as Protestant arrayed against Catholic. He would feel a difficulty in voting upon this question, especially as regarded Ireland, if he thought it could only be viewed as Protestant against Catholic; but conscious that such was not the position in which the matter was placed, he would have no difficulty in taking that part that was conformable to the opinions of many respectable Catholics in this country and in Ireland. He now wished to allude to another subject, and to afford to the noble Lord an opportunity of explaining what the Government intended to do in respect to that portion of the community which he (Mr. Bankes) more particularly represented, and in respect to whom the noble Lord had a second time advised Her Majesty to refer, as being still distressed, and of being still deserving of the earnest attention of the House. It was observable that when the subject of agricultural distress was last mentioned by Her Majesty, there were many who took exception to the mode in which that distress was referred to; for Her Majesty was then advised to state that with regret she heard of complaints from the agricultural portion of Her Majesty's subjects. It was thought by some that the advice was not very good or kind which induced Her Majesty, at a time when it was known that the distress was real and not frivolous, to speak no otherwise than in those terms to which he had alluded. But he gave the Government credit in then believing that this distress was only of a temporary character, and that, perhaps, it was magnified by the fears, rather than the real feelings, of that portion of Her Majesty's people. But, after a lapse of twelve months, he again listened to a Royal Speech from the Throne, and heard that same distress alluded to, and no longer passed over in the expression of words that seemed somewhat contemptuous. That distress was spoken of now as real, though the noble Lord did not think it necessary, by the adoption of any measure, to assuage it. He asked the noble Lord to put himself in the position of those who for more than twelve months had been under the pressure of difficulties and distresses, and then, when we were again commencing another career of twelve months, with the same appearance of difficulties and of distress, to say whether he was content to sit on the seat which he now occupied, and to put off those whose interests were thus compromised with no better assurance than his hopes, which it appeared were founded solely on the prosperity of other classes. It was not to be doubted that the prosperity of other classes in the community was very intimately connected with our own; but that connexion was not of the same intimate character as it was under the influence of those laws which that House had thought fit to abrogate. It was, then, the inevitable consequence of the prosperity of other classes of the community that the agricultural interest should flourish also. The prosperity of the manufacturing interest would, no doubt, operate upon those who were to supply them with their food; but if that supply of food, instead of being drawn from the labourers of our own country, as under former laws, was derived from foreigners, the case became widely different, and the hope could not be so reasonably indulged that the prosperity of the manufacturing classes would lead soon, or even ultimately, to that of the agricultural class. The paragraphs in Her Majesty's Speech relative to agricultural distress were as follows:—

> "I have to lament, however, the difficulties which are still felt by that important body among my people who are owners and occupiers of land. But it is my confident hope that the prosperous condition of other classes of my subjects will have a favourable effect in diminishing those difficulties, and promoting the interests of agriculture."

Now no representative of the agricultural interest ever denied that the prosperity of the one class was connected with the other. What they said was, that the connexion between agriculture and commerce was now no longer on the same footing on which it stood before the corn laws were repealed. The noble Lord at the head of the Government would not complain of his (Mr. Bankes) now obtruding the complaints of those classes, which the noble Lord himself felt the necessity of introducing into Her Majesty's Speech a second time after the lapse of twelve months, during which every one of the prophecies of Her Majesty Ministers had failed—every one of those convictions on which they ventured to tell the House that they should rest their hopes and confidence on the measures of Government. The agricultural Members were content, perhaps too much so, to listen to those prophecies, if not with hope, at least with patience. They were told last year, that the country was in an experimental condition, and that they had had no right to come to conclusions before the experiment had been fully tested. They were obliged to satisfy those whom they represented as well as they could; they tested, he thought not with any unreasonable pertinacity, the feelings of the House on some fitting occasions, and finding that they were in a minority they did not obstruct the course of business, but, indeed throughout the whole Session, subjected themselves to some degree of obloquy as being inattentive to those interests that they were sent to that House more peculiarly to watch over. They did not entertain the hopes which Her Majesty's Ministers cherished, but they gave them credit for themselves believing that they had reasons for that confidence, and waited patiently for the result. That result was another Speech from Her Majesty, admitting in stronger terms, not the distress, but, the difficulties of the agricultural interest. He asked the Government whether they thought it becoming in them to wait another twelve months to see whether those difficulties would become distresses; and if they should, whether they would wait another twelve months then to see whether those difficulties and distresses would become ruin. In some parts of the kingdom he believed that it was not far from that at present. The harvest had been very unequal through the kingdom; in the particular part of the kingdom which he represented, he believed the harvest was by no means a bad one, and those engaged in agriculture were not then in a state of utter ruin, nor were the labourers in a very bad condition; but were they to wait till utter ruin befell the yeomanry and labourers? Those classes were in the highest degree desponding and alarmed, and there was nothing in the Speech now delivered which tended to lessen that feeling. He had no doubt that Her Majesty's Government did regret these difficulties; he believed there was no warmer friend to the agricultural interest than the noble Lord at the head of the Government, and that he would be most happy if it were in his power to give that fixed duty which he once proposed, and which he somewhat unjustly accused Members on that side of the House of rejecting. Depend upon it that the time was not far distant when we must have it, for the agricultural interest were now in that condition that some relief must be afforded to them, and he did not know how it could be so effectually afforded in any other way as by an import duty. He called upon the noble Lord to tell them what was the remedy that he was prepared to offer to the agricultural interest. There was a surplus in the revenue: all other classes were said to be prosperous. This important interest is acknowledged to be in depression and distress—from this surplus then, if other remedies were not permitted, he claimed relief, and he assured the noble Lord that from his hands it would be gratefully received.

LORD J. RUSSELL: Mr. Speaker, I am rejoiced to find that we are not likely to have a division on the question of the Address, and that that Address is likely to be passed by the House, if not unanimously, at least with very general consent, and without any Amendment being proposed. I will, however, endeavour to address myself to the various topics which have been touched upon by hon. Gentlemen who have spoken, and I will take the order in which the topics have been mentioned in the Queen's Speech for the sake of convenience. My hon. Friend the Member for Montrose began by regretting that it had been thought necessary to advise Her Majesty to make so much reference to our relations with foreign Powers. With reference to the principal topic that is there mentioned, it cannot be unknown to us that the hostilities between Denmark and Germany that have for some time been carried on in Schleswig-Holstein were of the greatest importance, not only as threatening danger to the peace of Europe, but as also interfering materially with the commerce of this country; and I cannot think that my hon. Friend has to learn that those differences that have subsisted are in fair course of adjustment, and that at least the danger of hostility which hung over us is likely to be averted. I cannot but rejoice myself that such should be the case, and I hope that the endeavours that were made by my noble Friend near me to represent to the contending parties—to the one not to enter into hostilities or to continue those hostilities, and to the other, to adopt measures of conciliation, have not been abortive, and that the danger of hostilities which so long hung over us is likely to be removed. But my hon. Friend went on to say that this country should not have permitted Austria to undertake certain measures—should not have allowed her to occupy Hamburg with her troops, and to act in a manner contrary to the freedom of Europe. I really think that complaint is most inconsistent with the former complaint. The first complaint was, that Her Majesty's Government had interfered between foreign Powers; but if Her Majesty's Ministers had listened to the latter complaint, we should now have been engaged in a war with some of the principal Powers in Europe. Our course has not agreed with either of these proposals; we have used our influence in the manner which we thought might tend to preserve the peace of Europe, both in these and in other cases, and very important they were. With respect to the interests of the various States of Germany, we have not thought it our duty to interfere in any way; but at the same time we cannot but feel that the settlement of the affairs of Germany, as being the maintenance of a great Power in the centre of Europe, and the maintenance of harmony there, is of the utmost importance; and we do hope that while that great empire maintains its power, the various States that form the confederacy may not only preserve those constitutional liberties which they have now held for a long period of years, but that their institutions may be rendered still more favourable to liberty. Such is our wish and our prayer for the welfare of Germany; but we do not consider ourselves bound to interfere in the concerns of 40,000,000 of people. We feel satisfied that they will obtain that freedom and power to govern themselves which they seek. The next topic to which I shall advert is that in respect to which the hon. and learned Gentleman who has just sat down has spoken; but though I agree in the sympathy which he has expressed for the agricultural interest, and have advised Her Majesty to use those expressions to which he has adverted, I fear I must widely differ in the conclusions to which he has come. Sir, I hold so far with his views, but I am afraid it is but a little way, that I should have wished the transition with respect to the corn laws, the transition from an extremely vigorous and exclusive system to one of complete freedom of imports, had been less abrupt than it is. I believe, myself, that if in 1840 or 1841 this House had adopted either the measure which we proposed then, or a measure similar to that which we adopted in 1846, that either of those measures continuing the duty for some years would have prepared the agricultural interest for that complete free trade which now subsists. Sir, I certainly feel for the difficulties and distresses under which the agricultural interest now suffers, for it is an interest which must always be one of the main sources of the prosperity or adversity of the country; but while I say thus much I should be deceiving the hon. and learned Gentleman if I were to say that I think that the adoption of these measures in 1840 or 1841 would have laid the foundation of a system of permanent duties on agricultural produce. I believe that the progress of opinion, and the increase of the commercial and manufacturing classes, would have led, perhaps before this time, to some such law as we now have. But, be that as it may, my opinion decidedly is, that, with respect to corn, you have adopted a system which is consonant with the great interests of the country, which tends to the material happiness of the country, and that will add to its political and moral tranquillity. I believe that if, instead of proposing in 1846 the abrogation of the corn laws, the Government of that day had endeavoured to maintain to the last hour the continuance of these laws, that they would have failed in that object, and that whatever advantage the agricultural interest might derive, or might be supposed to derive, from the system which then prevailed, they would have failed to retain, but in losing it they would likewise have lost to the Government and the Parliament of this country a great portion of the attachment of the nation; and that it have would have been not only a loss of the corn laws to the agricultural interest, but that it would also have been a loss to the authorities of this country of much of that respect and regard which they ought to possess. I therefore cannot think that we have adopted a plan which is at variance with the interests of the country. I have never pretended to say—though others thought that they had reason sufficient, which certainly I never thought that I had, to say—that a particular price of wheat would prevail at a particular month or year. There always seemed to me to be too many circumstances, too many elements, to enter into that question of price for anybody even to pretend to perceive, certainly for some years to come, what would be the particular price of any article. I have never founded the course which I have taken on any other consideration than this—that if there is a great manufacturing and a great commercial population in a very thriving condition, and a population accustomed to consume great quantities of food, and if they can obtain it, and more especially meat and the more costly articles of food, that those who are close at hand, those who are cultivating the soil as the next neighbours, and in the immediate vicinity of those who make this demand, cannot fail ultimately to prosper from the continuance of that prosperity. I cannot think that the agricultural interest is totally to depend, as I think the corn laws induced them to depend, chiefly on the immediate price of wheat in any particular month or any particular year. It may be perhaps that the continuance of these laws induced the farmers of this country, and the owners of land in this country, and especially in particular parts of it, to look too much to the wheat crop as the source of their remuneration. Now these great changes in the laws cannot fail to be accompanied by great changes in habits and manners; and in the adaptation of different soils and climates, no doubt great changes will take place with respect to agriculture; but it is impossible not to see, as my hon. Friend who has seconded the Address to-night has shown you, that with this large population well employed, you would increase the demand for meat. My hon. Friend has told you that, at Glasgow I think it was, some 30,000 more oxen went to market in one year, than had gone one or two years before. That is merely a sample, which will show you that agricultural productions must be in increased demand, if you can by your laws, or rather by the removal of laws of prohibition and monopoly, obtain a satisfactory and prosperous state of the manufacturing and commercial interest. The hon. and learned Gentleman talks of this being the second year in which the difficulties of the landed interest have been mentioned. But, if I am not mistaken, in 1836, and again in 1837, there was a low price of wheat—a price as low as the prices that have lately prevailed—and I think that on both those occasions mention was made in the Speech, or immediately afterwards, of the distress of the agricultural interest. Therefore I cannot believe that any law you could pass, or any such measure as the hon. and learned Gentleman hinted at, would secure the agricultural interest from prices being occasionally too low to be remunerative. But there are two circumstances which at the present time influence prices. It has always happened that when there has been a great dearth of any article, and when there have been very high prices at particular times, that those high prices have always caused a very increased production, and that increased production has again produced cheapness. Cheapness has again produced increased demand, and the price has thus again returned to something like its usual rate. Now in this country, in 1847, we were suffering very much, and France was likewise suffering from a very high price of food; although we had a good harvest in this country, in France the harvest was extremely deficient; and we know, both from the accounts of the French wheat and flour that came to this country, and from the complaints of the farmers, that they with their protective system were in a state of great and unexampled depression. But the system that we have adopted must be considered as a whole. It must be considered as affecting very many articles of manufactures, and many articles of agriculture; and Parliament must be prepared to decide, if the question should be brought before them, whether that system is founded on sound principles or not. I remember some quarter of a century ago, when Mr. Huskisson was introducing practically, and therefore somewhat timidly, changes with respect to certain articles of manufactures, he took the article of gloves, and for a long while nothing was more frequent in this House than complaints that the manufacturers of gloves could not make gloves so good or so cheap as the French manufacturers; that they must be totally ruined, and we were implored to wear bad gloves, and dear gloves, in order to maintain the manufacturers of Yeovil and other places. Mr. Huskisson did not listen to these complaints; and it happened, fortunately enough, that the glove interest was not so powerful an interest as to induce this House to depart from its resolution. Well, no doubt there was dissatisfaction for a time. There is no reason to suspect that the complaints then made were ill-founded; but what do I hear at the present day, some twenty-five years after that law came into effect? Why, I hear from trustworthy persons, from persons resident in that part of the country, that the manufacture never was so flourishing as now at Yeovil; that the country people eight or ten miles round are asked to furnish labourers and members of their families to be employed in the glove trade; and that these gloves that we were told could not be made as good or as cheap as the French gloves, are now exported to France, and find a ready sale in that country. This may be a small example; but I hope it may be some comfort to the hon. and learned Gentleman, and some assurance that the system which we have adopted is founded on sound principles, and is one to which we shall adhere. I certainly cannot hold out to the hon. and learned Gentleman any expectation that a *5s.* duty is likely to be established either on the proposition of this or any other Government. I am quite sure, putting aside any opinions of the Members of the present Government, that any Members of a Government sitting on these benches, when they came to investigate the question—when they came to inquire into the opinions and dispositions of the people of this country—would shrink from imposing any duty on the import of corn. I do not believe that a 5*s*. duty would be valued by the farmers, who still cling to protection, in any other way than that it was a symptom of a return to a system of protection, and that a larger duty or a sliding scale would therefore be imposed. But that very expectation on the part of the friends of protection would alarm all those who have enjoyed the benefits of the present system, and I must say that every account which I hear (although it refers to the dissatisfaction among the occupiers of land) shows that in the agricultural districts, as well as in the manufacturing districts, the great mass of the labouring people never had such command over the necessaries of life as they have now. From some calculations at which I was looking to-day, I find that those who had 12*s*. a week, and now have 10*s*., with their 12*s*. could command sixteen loaves weekly, and with their 10*s*. they can command twenty-four loaves; that those who had 10*s*. formerly, and now have 8*s*., with their 10*s*. could command thirteen loaves weekly, and that they can now command nineteen. This I believe to be a very true sample of what is the general state of the labouring population of this country. There are exceptions in certain counties, but I believe that such is the general state of the country. I believe that the poor now obtain a greater quantity of bread, and that they have at the same time a greater remainder from their wages with which to purchase sugar at the diminished price, and to purchase various other articles which are comforts of life, and which they could not obtain before. I believe that many of the labouring families now have fresh meat, which for many years scarcely was at their table. If this is the case, will the hon. and learned Member really consider what the Government would have to do who said to the great mass of the people of this country, "You are now in the enjoyment of a larger command over the necessaries and comforts of life than you ever had before, but the system is entirely wrong, and you must revert to another system, under which your privations were great." What chance would that Government have, I will not say of carrying such a measure, but of carrying with them the convictions and esteem of the people, even if they had success in carrying such a measure through Parliament? I believe, Sir, although the statement of the hon. and learned Gentleman has induced me to go into these illustrations, that a great part of those who were favourable to protection, although they may not have changed their opinions, though they think that the system of protection was a wise one for this country, have come to the opinion that it would not be wise in any Government to attempt to revert to that system. I pass now to another question, upon which a great part of this debate has turned, and upon which there has been much discussion in the country for the last few months. And in doing so I must, of course, refer to the opinions of the hon. and learned Member for Sheffield, who began this debate, and who blamed the Government, and blamed me more especially, for the part that I had taken. The hon. and learned Gentleman said that he approached this question with great pain, and that it was not merely from compliance with custom that he used these words, but that he really felt great pain on this subject. Now, allow me to suggest to the hon. and learned Gentleman that I think his pain would be diminished if he would not fall into that way of supposing that some mean motives have always actuated parties, and the leaders of parties, in this country; and if he would admit that, though they may differ in opinion, and may be utterly mistaken, they may have somewhat higher motives for their conduct than he at present seems willing to ascribe to them. It really must be painful to be thinking that none but very low motives actuate public men; and that whether the country is governed by men of one party or another, a mean jealousy or a hope of fleeting popularity guides them; and that they have no other or better motives for the course which they pursue. It appears, according to the hon. and learned Gentleman's statement, that when Sir Robert Peel proposed to relieve the Roman Catholics from their disabilities, that a great jealousy immediately arose on the part of those who had been always friendly to that measure. Now, that is a gratuitous assumption on the part of the hon. and learned Gentleman. The fact is, that we gave at that time the utmost support to that eminent statesman now deceased, who was taking a course which we thought greatly for the benefit of this country, and he expressed his grateful sense of the support which he received from us. I remember, during one of the debates on that measure, some Member of this House taunting others for having changed their opinions, and I said that I hoped during the whole of the discussions that took place on the Bill—the Bill of 1829, there would be none of those reproaches for change of opinion which the Members who had spoken seemed to be inclined to indulge in. When we saw that which we had always thought a great benefit to the country proposed, and that which we thought necessary for the peace of Ireland about to be accomplished, our course was not one dictated by jealousy that it was not proposed by ourselves. We did not claim credit for any extraordinary pitch of heroic virtue, but we had that feeling that we were anxious for the welfare of the country, and we were glad to see it proposed. So with respect to that letter which I wrote to the Bishop of Durham, it was not to make political capital that I wrote that letter, but because I entertained the sentiments that I then expressed; and, rightly or wrongly, I could not refrain from giving expression to them, or from giving publicity to those expressions. Well, then, perhaps the hon. and learned Gentleman may in future save himself some of that pain which he has felt, if he will take a rather more charitable view of others, and thus he will not expose himself to the retort which I have sometimes been accustomed to make to those who throw out these reproaches, namely, an observation that was made by the great Prince of Condé when he read some pamphlets that had been written against himself and the Cardinal de Retz. He said, "These gentlemen make us act as they would themselves act if they were in our places." Well, now, Sir, with respect to that question, which every one must admit has occupied the attention of the public during the last three months to a very great degree, I must say that I cannot at all take the view which the hon. and learned Member for Sheffield takes of it, and which I have no doubt that he most sincerely takes, that this was a mere use of a title—that it was a matter of perfect indifference—and that it might have been left unnoticed. I own I do not agree with him that it implies any ignorance of history that I should have taken a different view. On the contrary, I consider that history teaches that whatever may be the opinions of the Roman Catholics in different countries, that the Court of Rome — properly distinguished from the Church of Rome by the hon. and learned Gentleman—that, I say, the Court of Rome has for ever watched opportunities of making aggressions, and of making aggressions not on the spiritual conscience, but on the temporal interests of the kingdoms with which it was concerned. This history teaches, and I do find that some of the greatest friends of liberty—Sir John Eliot (from whom the Earl of St. Germans is descended), Pym, Hampden, Lord Somers, and John Locke—all of these men, friends of liberty as they were, had a great distrust of Papal assumption and of Papal aggression. Well, Sir, what was the condition of the Roman Catholics in this country? For it has been represented as if we, the Protestants of this country, and I among the foremost of them, were all suddenly seized with a rage for persecution, and could not refrain from raising a cry of bigotry and tyranny against our Roman Catholic fellow-men. Now, what is the true state of the case? In 1791, the priests of the Roman Catholic religion and the Roman Catholics were allowed complete freedom in the exercise of their religion. In 1829, they obtained complete freedom to sit in Parliament, and have all civil employments, with trifling exceptions. Since that year, on various occasions, alterations have been made, and innovations introduced, with respect to our laws, favourable to the Roman Catholics. With respect to the actual enjoyment of the privileges granted in 1829, the present Government, at least, cannot be blamed by the Roman Catholics; for, whether in the Queen's household or the civil administration, or on the bench of justice, the talents of the Roman Catholics have been acknowledged and admitted as fully as those of any Protestants, or of any persons holding the opinions of the Established Church, and having offices of civil employment. At this moment, of the three chief judges of the courts of law in Ireland, two are Roman Catholic. With respect to other instances, we have been blamed rather for giving to Roman Catholics precedence and titles which Gentlemen think they were not entitled to. One instance has been cited by the hon. and learned Member for Sheffield, which certainly occurred, but of which, till lately, I did not know the history, namely, that, in the Lord Chamberlain's department, it was stated that the Roman Catholic Primate and the Roman Catholic Archbishop of Dublin had precedence at the *entrée* at the Castle; but this was found to be the act of a subordinate in the Lord Chamberlain's department, and it was entered in the *Gazette* quite unusually, and during the hurry of Her Majesty's visit; and I am not prepared to defend the giving to Roman Catholics honours to which they were not entitled. With regard to other cases, I am prepared to avow and to defend the various instances in which Roman Catholics have received more honour and more favour than some Gentlemen consider they could fairly claim. But what I am contending for now is, that there was really no reason to complain, on the part of the Roman Catholics. With the full and free exercise of their religion—with all the civil privileges they enjoy quite as much as Protestants—what right have they to complain of their situation? Well, it is in the midst of these occurrences, there having been vicars-apostolic in this country for 300 years—having had vicars-apostolic, and nothing but vicars-apostolic, during the reign of James II., when every one of the principal councillors of the King was a Roman Catholic; the feeling seized the Court of Rome to issue a sort of edict, saying that this country was to be divided into an archbishopric and bishoprics. And the chief person created by these orders an archbishop—and Archbishop of Westminster, of all other places!—in his letters immediately proclaimed to all the people of this country, "We govern, and shall continue to govern, the counties of Middlesex, Essex, and Hertfordshire!" Sir, was that a spiritual change? "The counties of Essex and Hertfordshire!" I see the hon. Gentlemen the Representatives of these counties opposite to me. Were these counties merely bodies of Roman Catholics? It must be—indeed, the whole wording and construction of the documents appeared to be a pretension to rule those counties, and all the counties of England, under the whole sway of this new hierarchy of bishops. I might have been mistaken in this, but there was a person of great eminence, of great learning, of great talents, whom we all have to deplore as having ever left the Protestant Church and joined the Church of Rome—I mean Mr. Newman. And Mr. Newman said there was scarcely ever an instance that had happened before of a nation which had entirely abandoned the Church of Rome returning again to its communion; but he was happy to say that that example had occurred in England, and he said that the English people had now returned in obedience to the Holy See. Why, what does that mean? If the Queen had come down to Parliament, as Queen Mary came to Parliament, and had declared that the time was come when the nation should return to the faith and to the obedience of the See of Rome, and the House of Lords and the House of Commons concurred with Her Majesty, and had passed an Act for that purpose, there could hardly have been a declaration going further than the declaration of Mr. Newman must be understood to mean. But beyond this, the usual organs in this country and in France, not of the Roman Catholic party, but of the party of ultramontane Roman Catholics—their organs proclaimed that this was an act of great significance, not merely for one archbishop and twelve bishops to be in England, but to take the place of the Archbishop of Canterbury, the Bishop of London, and all the existing bishops in England. I say it did appear to me that we could not pass in silence over such a pretension. Now I ask the hon. and learned Member for Sheffield, if it had been passed over in silence by the people of England, whether we should not have had some other step immediately following? We can easily imagine that step. It is not necessary to state what it would be now. But I believe that the opinion which has been given so generally, nearly so universally, on the part of the Church of England, and on the part of the great majority of Protestant Dissenters, I believe it will have convinced not only the Roman Catholics in England, who I really believe wish no such step to be taken, but also will have convinced the Court of Rome that this country of England is clearly not a Roman Catholic but a Protestant country, and that, at all events, in fact, however erroneous Protestantism may be—the great body of the people of England are Protestants. Well, if such be the case, and such be the effect of the Address now proposed to be passed, by this declaration of itself we shall have saved ourselves from many attempts of the Court of Rome that would lead to an interference with the independence of this country. But I said that the Roman Catholics in

England, generally, did not wish this step to be taken. In looking at the Papal documents, I always find that the vicars-apostolic are put forward, and that the vicars-apostolic wished to be bishops with titles taken from sees in this country; and it appeared that certain advantages, certain powers over endowments, and certain privileges which do not belong to vicars-apostolic would have belonged to them if they could establish themselves over the Roman Catholics as bishops in these sees—a very good reason why the vicars-apostolic should wish to claim those titles. But I believe that, generally speaking, the lay Roman Catholics of this country, although when the measure was taken they could hardly repudiate it—they in general neither wish nor approve of it at the present time. I have been assured so, not by Protestants, but by Roman Catholics and Roman Catholic priests; and I believe that we stand now, at all events, in a position in which we can take measures which not only may be satisfactory to the Protestants, but which will be satisfactory to the loyal Roman Catholics who wish to preserve their allegiance to the Crown undiminished and unimpaired, and who dread the prevalence of ultramontane doctrines, which in every country in Europe have been formidable to Roman Catholics who have any regard for freedom and independence. Well, Sir, such, I believe, then, is the cause of the strong feeling engendered and excited in this country, and such, I believe, is the present opinion of Protestants as well as Roman Catholics. The hon. Gentleman the Member for East Kent has warned me that in dealing with this subject I should beware of the very strong sentiments which are entertained upon it, and that I should not fall short of the expectations of the people of this country. Now, Sir, I am ready to state that I shall be prepared to propose measures as strong as my own convictions lead me to consider necessary. I shall not yield to any one in that respect, and I shall not shrink from performing any part that I think right. But I cannot, on the other hand, introduce measures which I think at all go beyond the occasion, or which would in any way trench on what I think due to the religious liberty of all classes of Her Majesty's subjects. I shall endeavour to meet the present emergency. I shall not deem it necessary, on this occasion, to say more on this topic than that I consider the present authority possessed by Parliament is fully sufficient to deal with the whole of these transactions, and the questions arising out of them. I believe that the specific measure I shall on a future day propose for the adoption of this House, will be found to tend to the establishment of harmony and good feeling among all the various classes and professions of Christians in this country. But, Sir, I shall not attempt to go beyond what is needed. The hon. Gentleman the Member for Limerick has said that I have grossly insulted the faith of the Roman Catholics. Now, I beg, Sir, to deny that I ever have insulted the faith of Roman Catholics. I did make observations which I thought justified with respect to a party of the Church to which I belong. I do not think, whether those observations were right or wrong, that I am to be precluded from making any remarks which I think just with respect to a part of my own Church, because Roman Catholics may say that these observations are applicable to them. It is for them to decide whether they think these observations to be applicable to them. It is sufficient for me to say that I applied them to those who belonged to my own Church, and I did not speak in manner or words any stronger than the bishop of the diocese in which I reside. With respect to the present condition of this grave question, I shall be prepared to state on Friday next what that condition appears to us to be, and what is the nature of the remedies wherewith we shall propose to meet it. That measure will be general in its application to the whole united kingdom. I know it has been doubted whether, after what has taken place, this would be so. I know it has been surmised that one portion of the united kingdom would be excluded from it. But such is not the fact. It never has been in the contemplation of Government to observe any such limitation. We have never doubted that the best security against such aggressions as have been attempted was to be found in the loyal and religious feeling of the whole community of the united kingdom; and that Parliament would feel it to be its imperative duty to provide for the protection and requirements of those principles of civil and religious liberty which are so happily established among us; and I believe, if there is anything which at Rome they disapprove, it is that very fact of the civil and religious liberty of this country. It is that of which they disapprove; it is that which they see here that they most loathe to endure. I confess I was at a loss to understand why, when the position of the Roman Catholics in this country was so advantageous as I have stated it to be, and as I think it cannot be denied to have been—why the Court of Rome should have taken this course. I should be the last person to attribute it to any personal ill-will towards this country on the part of the Court of Rome. I stated, speaking last year of the revolution by which the Sovereign of the Roman States was overthrown, that I lamented that a man of such benevolent intentions should have had the affliction of seeing his Minister assassinated as he was passing from the Legislative Council, and obliged himself to leave the seat of his Government. I really felt compassion at such a result. I believe that he has not entertained any ill-will towards this country. But I must own that the difficulty I had felt to account for the part he had subsequently adopted in reference to this country was, I think, a little lessened, and in some degree explained, by a letter afterwards addressed to myself by a very eminent Roman Catholic nobleman, and a person better qualified than most men in England to speak with authority on such a matter. I allude, Sir, to the Earl of Shrewsbury. In one passage of the letter he says—"There is, I believe, a party in Rome who are the declared enemies of England, and that party is all-powerful in the councils of the Roman Court." This being the sentiment of so high and qualified an authority, goes far to explain the difficulty which I have stated at first had arisen in my mind to account for the proceedings of the Pope. I trust that these feelings of ill-will, and the designs to which they have led, will now be obviated. But I do trust, whatever may be the case, and however much we may have to complain of in the present posture of the affairs we are now called upon to consider—I do trust, I say, that whatever may be the wrongs we have justly to complain of in this matter—and I feel it right at once to declare this conviction—that Parliament will not listen to what I hold to be at once unwise and almost impossible; namely, the proposition that has been mooted by a certain party in this country for the arrangement of these affairs by such a treaty as they denominate a "concordat." I am firmly persuaded that we have already, in our own public feeling, our own polity, our own public discussion, and in the existing law and authority of Parliament, sufficient to protect the integrity of that civil and religious freedom that all classes of Her Majesty's subjects are so earnest to maintain against all aggressions of this kind that may be attempted upon them. After all that has arisen to call forth the expression of that feeling, it is upon that feeling that I rely with the greatest confidence. It is on the attachment of the people to those institutions, on their deep and earnest feeling for all that regards their welfare and integrity, that I look for the surest protection of this kingdom from the machinations and aggressions of the Court of Rome, or of any other foreign Power, spiritual or temporal, whatever.

Mr. DISRAELI: In the disposition of the House not to offer any amendment to the Address, I should not have ventured to trouble the House at all, had I not feared that my silence might, perhaps, be considered as assenting to those views which the noble Lord has taken of public affairs. I think the Government are fully authorised in calling upon the House to congratulate Her Majesty upon the discontinuance of hostile operations in Schleswig-Holstein, not merely because, as the noble Lord has stated, peace has been preserved, or even because a vexatious interference with commerce has been removed, but because, as the House will always do well to recollect, we are bound by treaty to interfere in the affairs of that country, and therefore we ought to congratulate ourselves that a duty is probably now fulfilled which might, under other circumstances, have led to consequences very serious to this country. Sir, I come now to the observations made by the noble Lord on that part of the Royal Speech which refers to the difficulties which prevail among an important body among Her Majesty's subjects. Sir, the noble Lord, when he addressed us, and when he admitted the extreme difficulties now experienced by that important class—the agricultural body—the noble Lord seemed to me to be offering almost an apology to the House for not proposing that fixed duty which my hon. Friend near me somewhat unexpectedly introduced into the discussion. But while the noble Lord deplored the distress which he did not foresee, and the continuance of which he acknowledges surprises him, I am really astonished that it did not occur to the noble Lord and his colleagues to make at least this inquiry—to ask themselves how it is that a body of men distinguished by so much industry, so much energy, and so much enterprise as the British farmers—for certainly no one can deny that they have succeeded in producing from the soil a greater quantity of produce than any farmers in any other country have—I am surprised that the noble Lord and his colleagues, in some of those councils in which probably they have pondered over the continued distress of the agricultural interest—I am surprised that they did not ask themselves, "What is the reason that when all other classes of the country are to our belief flourishing, that this class, so numerous, so wealthy, so industrious, and so intelligent, should be experiencing this constant and continuous depression?" It might then, perhaps, have occurred to them that there must be some deep causes in the system of this country which produced such exceptional but such particular results; and if the noble Lord had remembered that we have had in England a financial system which has been built up upon the energies and resources of one class of the country in particular, and that that class has permitted its energies and resources to be thus taxed because you thought fit by an artificial system of legislation to secure to it a market, and, on the average, a certain remunerative return, I wonder it did not occur to them that probably that peculiar system of finance, when the artificial compensation was withdrawn, might have occasioned this depression which has now continued so long, that even Ministers are astonished, and is producing effects which must ultimately, I am convinced, be injurious to all classes of the community. Now, Sir, this is the point which I would wish to press upon the noble Lord; for what is the case of Her Majesty's Ministers? They say, all classes but one important class are flourishing; but we will not inquire what is the reason this particular class is depressed. We cannot penetrate—perhaps we wish not to penetrate—the cause; for the cause may be this, that this class is contributing the capital by which all other classes are at this moment flourishing. Under all circumstances, and at any time, we should have thought that that was a happy conjuncture when a Minister could come forward and say, "We have a rich exchequer, we have a community generally prosperous, one class alone is suffering, but that is an important class, on whose resources we have been mostly thrown, and, Sir, it is the first duty of the Government to inquire whether we can relieve that class." I have given a notice, since the House met, the object of which is to ask the House dispassionately to consider whether it is not in our power to terminate this mysterious and continued depression of the agricultural interest, and therefore I will not to-night touch upon that subject further. Last year the Government noticed the complaints of the agriculturists; this year they acknowledge their difficulties. We get on: this is the age of progress; for next Session remains the recognition of our ruin. But Her Majesty is counselled to express her confident hope that the prosperous condition of other classes of Her subjects will have the effect of diminishing those evils. Is that language for a Minister to use? If a Minister came forward and declared a confident belief that those difficulties would be remedied and pass away, it would be at least the opinion of the Government; it would be the test of their sagacity, and might be the measure of their judgment; but the Ministry only expresses a "confident hope," which is, at the best, but the language of amiable despair. They don't even venture to express a "belief," as they did last year, that those difficulties will pass away; all the Government have to say to the agricultural interest is, that they hope these difficulties will pass away. I leave the House to judge if that is language that ought to be addressed to Parliament. Last year, when the subject was brought before the consideration of the House, the Government, in the month of February, said that about the end of March agricultural distress would not be heard of. They said there were indications that induced them to believe that before a month was passed, "prices," as they called them, would rise considerably. The organ of the Government in the other House spoke with the greatest positiveness on the subject. He laughed at the idea that any continued depression could take place—he even announced, in a sort of prophecy of political economy, that no further importations could occur. I am not at this moment placing this question on the price of any article; what I intend to do with the permission of the House next Tuesday, if I have the opportunity, is, to ask the House to inquire into the relation of the agricultural interest to our whole system of taxation, to inquire if you have not gradually established in this country a system, fiscal and otherwise, which has raised an immense revenue mainly from the energies and resources of one class of the productive population of this country—whether they have not been enabled to endure that burden because, by artificial laws, you supported them in the great struggle; whether you have not rashly, precipitately, without due consideration and preparation, destroyed the artificial system, and left the artificial burdens. I will, with the permission of the House, view the question in a complete and comprehensive aspect; and if I don't succeed in discovering the cause of this mysterious and continued depression of agricultural industry, and if I do not indicate the remedies that ought naturally to result from that investigation—remedies demanded by justice and counselled by policy—then I will never attempt again to support that interest to which I am indebted for the seat I hold. It is on that point I mainly rose to address you; but I would, with the permission of the House, make one observation on the interesting subject with which the noble Lord closed his observations. The noble Lord made to-night what I will classically—not in vulgar language—designate the apology for that letter which I hold in my hand, and which I suppose other hon. Members hold in their hands. I confess the observations of the noble Lord did not seem to be entirely consistent with what has transpired. This letter I consider the manifesto of a Cabinet. I take the paragraph in the Queen's Speech in connexion with this letter; for I look upon it as the manifesto of the Cabinet—as the matured manifesto of the Cabinet—because I feel convinced that no individual, occupying the most eminent position in this country, could, in a moment of levity, have signed his name to a document of such surpassing interest and awful responsibility. The noble Lord was, of course, perfectly acquainted with the opinions and feelings of all his colleagues on this great subject, even if they were not at his elbow when he signed his name to the letter. I say, "this great subject," because I cannot bring myself, I will not say to believe, but to comprehend, that the appointment of Dr. Wiseman to a pseudo—or, not to use an offensive phrase—to a titular archbisopric in England, could have produced the convulsion this letter occasioned. I will not say that, because I remember, not at a very remote period, the noble Lord, gratuitously and uncalled-for, informed the House of Commons and the Protestant people of England that he saw no reason why Roman Catholic priests should not be called by episcopal titles taken from any city or town in the kingdom. That I, of course, believe was also a mature opinion, for I cannot imagine that the noble Lord would make a haphazard observation on so delicate a topic, without the subject having engaged his long and serious reflection. That was the opinion of the noble Lord a very few years ago, and therefore I cannot comprehend why the appointment of Dr. Wiseman to the titular archbishopric of Westminster should be the sole cause of this letter, in which the noble Lord states that the late aggression of the Pope is insolent and insidious. Now, Sir, I am bound to state my opinion, which I have stated elsewhere, that I don't think the aggression of the Pope was at any rate insidious; I think it was a frank aggression, frank almost to indiscretion. I never knew a proceeding more free from the appearance of subtlety and covin. What is more, we all knew that the step he took was expected. I don't think it was insolent or insidious to do that which the First Minister of the Crown had only a little while before said he saw no harm in the Pope's doing; and, therefore, when the noble Lord wrote this letter I think he meant a great deal more than merely to prevent Dr. Wiseman from being called Archbishop of Westminster. This is the tone and these are the terms in which the noble Lord describes what has occurred, or is occurring, through the agency of the Pope of Rome:—

> "There is an assumption of power in all the documents which have come from Rome—a pretension to supremacy over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation."

That is a great subject to deal with, and, Sir, I do not think, when the noble Lord said he had to deal with anything so important as that, he was thinking merely of the Roman Catholic priest, who in England did that which the Roman Catholic priest was daily doing in Ireland with the consent of, and with honours paid to him by, the Government of the noble Lord himself. No, I think the noble Lord thought the time had arrived, from information which no doubt had reached his ear, and from thoughts which had long occupied his mind, that a very great change was taking place in the relations which must hereafter subsist between the Crown of England and the Pope of Rome, and the noble Lord took the occasion of this last drop in the cup to adopt the policy which probably he had long meditated. The noble Lord has determined to solve the most difficult of political problems. He and his Government are proposing to reconcile the due observance of the civil and religious liberties of the Roman Catholic subjects of the Queen, which liberties I, for one, trust will not be impugned —he is about to solve this problem, whether, as a statesman, he can reconcile the due observance and respect of those civil and religious liberties with the Queen's supremacy, the rights of our bishops and clergy, and the spiritual independence of the nation. That is a problem that may not be incapable of solution, but it will tax the noble Lord's power of statesmanship to the utmost. I cannot suppose that the noble Lord only contemplates to bring in a Bill merely to prevent Roman Catholics from styling themselves bishops or archbishops of any of the towns or cities in the Queen's dominions; he cannot be about to bring in any such measure as that, because then he would not have been justified in stirring up the passions of a mighty people —in exciting their highest and holiest feelings—and in raising in this country a spirit of controversy and polemical dispute which recalls the days of the Stuarts, and the end of which none of us may live to witness. The noble Lord, as a wise and sagacious man, must have weighed the consequences, and determined to introduce a measure to meet the evils that have been produced. This is the sort of measure I, for one, expect from him ; but if he only brings in an insignificant measure like that referred to, it would be better to do nothing, and even at this last hour to endeavour, by doing nothing, to appease the excited feelings of some portion of the people. But if the noble Lord is prepared to do a great deal—if he be prepared to attempt to solve the great political problem that may not be incapable of solution, but which no Minister has yet solved—then, indeed, he may have been justified in the course he has taken—then indeed he may lay claim to the reputation of the character of a great Minister. Such is the measure he must bring in to authorise the course he has taken—such is the measure I, for one, would humbly support—such is the measure I believe the country expects; and if it does not receive it I believe the opinions of Protestants and Roman Catholics on one point will be unanimous—that the conduct of the noble Lord cannot be justified.

Resolved accordingly.

Committee appointed "to draw up an Address to be presented to Her Majesty upon the said Resolution."

Queen's Speech *referred.*

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 5, 1851.

MINUTES.] NEW WRIT for Pontefract, *v.* Samuel Martin, Esq., Baron of the Court of Exchequer.

THE NEW WRIT FOR DUNGARVAN.

MR. HAYTER begged to say he was in error in moving, yesterday, a writ for this borough. He had moved it on the assumption that the right hon. Richard Lalor Sheil, having accepted the office of Minister Plenipotentiary to the Grand Duke of Tuscany, had vacated his seat for the borough; but it turned out that this was a mistake, for, on referring to precedents, it appeared that the seat was not vacated by the acceptance of that office. Therefore, the only course now left him was to move that the order be superseded; and with that view he begged to move that the Order of yesterday, the 4th instant, in reference to the writ, be then read.

The Clerk having read the Order,

MR. HAYTER begged to move—

> "That Mr. Speaker do issue his warrant to the Clerk of the Crown, in Ireland, to make out a *supersedeas* to the said writ for the Election of a Burgess to serve in this present Parliament for the Borough of Dungarvan."

MR. ROEBUCK wished to know if that was the ordinary mode of proceeding? If not, there would be great danger in establishing it as a precedent. Any hon. Member might become obnoxious to a majority in that House; but that should be no reason why a *supersedeas* should issue. If once they established such a precedent, he feared it would become injurious to the liberty and privileges of that House. However, if the course now about to be pursued by the right hon. Gentleman accorded with precedent, of course he (Mr. Roebuck) could have nothing to say. But he should like to have assurance to that effect, that no harm might arise hereafter.

Mr. HAYTER said, the hon. Gentleman wished to know whether or not the present course was that usually pursued. Now, he apprehended the usual course was, when an error had been committed, to rectify it as soon as possible. The fact would depend on the commission of the error. On reference to *Hatsell*, vol. ii., page 23, there was this entry:—

> "On the 7th July, 1715, on a question whether Mr. Carpenter, having been appointed Envoy to the Court of Vienna, is thereby included in the disability of the 6th of Anne, c. 7, it passed in the negative."

There were several instances where Gentlemen who were Members of the House, had discharged the duties of Ambassadors also; there was the case of Mr. Canning, of Sir Robert Adair, and of Lord Burghersh. Therefore, it seemed clear that the mere acceptance of this office did not divest the Ambassador of the character of Member of this House.

Mr. ROEBUCK explained that he had been mistaken. He thought the right hon. Gentleman (Mr. Hayter) was going a step too far.

Mr. FRENCH thought the proceedings quite contrary to common sense, that an hon. Member should accept an office of emolument and still retain his seat. Here was the acceptance of an office of emolument under the Crown, which would, moreover, leave the constituency unrepresented —Mr. Canning's was merely a temporary mission. It would be well if the Attorney General explained.

Mr. M. J. O'CONNELL inquired in what state the writ would remain. The law was clear that the writ, after being moved for, should be forwarded by the next post. Now it would be very inconvenient if the sheriff of Waterford received the writ and appointed a day for the election, and was then compelled to suspend that election by *supersedeas.* He knew the state of feeling that existed in the borough; and, therefore, he knew that such a course would be attended with unpleasant consequences.

The ATTORNEY GENERAL said, the House would be aware that by the statute 6th of Anne, the acceptance of any office of profit from the Crown makes the election void. The question was, whether the acceptance of this office of Envoy to a Foreign Court—such as had been accepted by his right hon. Friend Richard Lalor Sheil—came within the disability of the statute of Queen Anne. Now there were distinct precedents where that House had decided that the acceptance of such office did not come within the disability. A case of inadvertence had occurred in the issue of a writ for the borough of Dungarvan. In fact the borough of Dungarvan was not vacant; and, therefore, no election could at present take place. In case an election did take place, under the circumstances, the gentleman so elected would not be entitled to take his seat in that House, did he present himself at the table. The right hon. Richard Lalor Sheil was at that moment Member for Dungarvan; and the question was now, what course they were to adopt to remedy the error. He saw no course but to authorise the Speaker to issue a writ of *supersedeas.* Some inconvenience would no doubt arise; but no inconvenience would be so great as that which must follow from a proceeding contrary to law. In any case, it was only a matter of twenty-four hours' inconvenience, which could not be said to be very grievous.

Mr. J. O'CONNELL inquired if the right hon. Gentleman the late Master of the Mint would be suffered to retain his seat?

The ATTORNEY GENERAL replied, that a new writ would be moved for when the seat became vacant. Of course his right hon. Friend (Mr. Sheil) would see that his present position as Plenipotentiary to the Grand Duke of Tuscany was incompatible with his representation of Dungarvan, and would no doubt accordingly take the proper steps to vacate his seat in that House.

The subject then dropped.

THE LORD LIEUTENANCY OF IRELAND.

Mr. REYNOLDS would ask the noble Lord the First Minister of the Crown whether it was the intention of Her Majesty's Government to introduce any Bill during the present Session of Parliament for the purpose of abolishing the office of Lord Lieutenant of Ireland?

Lord J. RUSSELL said, it was the intention of Her Majesty's Government to bring in a Bill for that purpose.

Mr. REYNOLDS begged to give notice that on the day on which the noble Lord moved for the introduction of that Bill, he should feel it his duty to move for a call of the House.

FISHERY OF THE BLACKWATER.

MR. ANSTEY wished to ask the First Lord of the Admiralty whether it was the intention of Government to order any and what prosecutions, or proceedings, for carrying into effect the recommendations contained in the late report of Commander Fraser, R.N., on the illegal obstruction to the fishery and navigation of the Blackwater; and whether he would lay the said report, with plans, &c., before the House?

SIR F. BARING said, that though it was true Commander Fraser had completed his survey and forwarded it to the Admiralty, the report was not yet complete; till the complete report and plans had been furnished, no decision would be come to. When he saw that report, he would communicate the result privately to the hon. Gentleman.

NEW FOREST.

MR. GRANTLEY BERKELEY wished to ask the noble Lord at the head of the Woods and Forests if it was the intention of the Government to bring in a Bill for the inclosure of the New Forest? If so, what were the intentions of the Government with respect to the destruction of the deer; whether they were prepared to take into consideration all claims of common rights; and whether they intended to retain a certain number of acres, and, if so, to what extent?

LORD SEYMOUR said, it was his intention to bring in three Bills respecting three different forests, and he thought it would be more convenient to reserve all details till he laid the Bills on the table of the House.

ADULTERATION OF COFFEE.

MR. GRANTLEY BERKELEY wished to know from his right hon. Friend the Chancellor of the Exchequer whether it was his intention to introduce any measure to prevent the adulteration of coffee by chicory and other means, so as to afford protection to those who sent coffee into the country?

The CHANCELLOR OF THE EXCHEQUER said, that he would state his views generally on the subject when making his financial statement; but with regard to the prohibition respecting the use of chicory with coffee, it was not his intention to introduce any measure on that subject.

MR. GRANTLEY BERKELEY then gave notice of his intention to submit a Motion on the subject.

JOHN HENRY LEY, ESQ. LATE CLERK OF THE HOUSE.

LORD J. RUSSELL, in moving a resolution acknowledging the services of John Henry Ley, Esq., late Clerk to the House of Commons, said, that he need make but few remarks. Mr. Ley was one of a succession of public officers whose services had been of great value to the House and to the country. Mr. Ley himself had served for 49 years at the table of the House, and every one who was acquainted with the business transacted in it for many years must be aware that he had a mind stored with information relating to every subject by which the order and procedure of the House were regulated; and every person must likewise know that nothing could exceed the readiness and courtesy with which he communicated to every Member of the House the information which he possessed, and of which they desired to be informed. In the Committees of the House his services were of great value in preparing and putting in due order and form those amendments which in the course of debate were proposed to be inserted in Bills of great public importance. Every Member of the House must be aware how useful it was to the regularity of their proceedings and to the correctness of their decisions to have at the table a Clerk so well furnished with the knowledge which it was requisite should be possessed on these subjects, and how often their deliberations had been aided by that knowledge being communicated to the House. He did not think he need say any more except that the House would do itself credit by placing on its records an acknowledgement of those services, and never, he believed, would that acknowledgment have been better bestowed. The noble Lord concluded by moving the following Resolution—

> "That this House entertains a just and high sense of the distinguished and exemplary manner in which John Henry Ley, Esq., late Clerk of this House, uniformly discharged the duties of his situation, during his long attendance at the table of this House, for above 49 years."

SIR R. H. INGLIS: I second the Motion of my noble Friend. It is, I hope, not an act of presumption on my part, but a duty, which the older Members of the House ought to be the most forward to discharge, in proportion to their longer experience of the services which the resolution is designed to acknowledge and record. But the youngest Member of the House has seen enough of the services of the late Mr. Ley to justify me in anticipating an unanimous vote on this occasion. In the fulfilment of his important functions, Mr. Ley displayed, for nearly half a century, strict and rigid impartiality, punctuality, accuracy, knowledge of business. There are few of us who have not, individually, had the benefit of his aid. His labours had increased greatly during the course of his public service. That increase might be tested in various ways—by the increase in the number of Bills, or in the number of petitions. In a certain sense, every petition passed before him; in the strictest sense, every Bill passed through his hands. It may not be uninteresting to the House itself to know the facts. Take the case of petitions. When Mr. Ley first sat at the table, the number of petitions, in the five years ending 1805, was 1,026; in the five years ending 1815, the number had more than quadrupled—4,498; in the five years ending 1831, the number was 24,492; in the five years ending 1842, they were 70,072; in the five years ending 1847, they were 81,985. Those who have had the privilege of possessing such an officer as the late Mr. Ley ought to value him when living, and to honour him when dead. It was a cheap reward of public service to adopt the resolution of the First Minister of the Crown. But when I talk of cheapness, I mean no vulgar reference to money, but to honours—the cheap defence of nations. It is due, indeed, to ourselves, as much as to the memory of Mr. Ley, to place on the records of our proceedings this testimony to our sense of the value of his services; and the honour is as graceful to those who confer it, as it is to him to whose name it is offered. It is some consolation to those who in private life mourn him; and it is an encouragement to others so to act as to win for their posterity the honours of such a memorial as a Resolution of the greatest deliberative body in the world, commemorating the public services of one of its officers, pre-eminently bestows.

The Resolution having been put,

Mr. HUME said that, having had frequent opportunities of observing the admirable manner in which Mr. Ley had performed his duties, he cordially and entirely agreed with this vote. His attention to the duties of the office rendered him acquainted with the forms and manner of their proceedings, and often the Speaker had had the benefit of his great experience in matters connected with the business of the House. He (Mr. Hume) had therefore much pleasure in expressing his approbation that the great services of Mr. Ley were to be formally acknowledged in their Journals. But it was with extreme pain that he felt called upon to complain on the part of the public of the manner in which the Prime Minister had filled up the vacancy. He considered that every word which the noble Lord used, such as large experience, extensive knowledge, long servitude, told as a severe satire against himself, for they found that the person who occupied Mr. Ley's situation was a gentleman who had not a single day's experience to recommend him tothe office. He did not wish to say anything against that gentleman as an individual, but a knowledge of his office could only be obtained by the continued practice and long experience which the noble Lord had adverted to, and therefore he did complain of the manner in which the noble Lord had exercised his patronage. Offices of this nature should always be filled up with a view to the public benefit, and when a vacancy occurred, due attention should be paid to the merits and capabilities of the party appointed to it. That rule applied with double force to the office in question, for young Members, ignorant of the forms of the House, could only make themselves acquainted with them through the assistance of the Clerk at the Table. It was, therefore, of the utmost importance that they should be able to apply to an officer who could give them information such as Mr. Ley was always ready to afford. For his part he (Mr. Hume) never applied to that gentleman for information without obtaining it, or without being put in the way to find it. But what did Sir Denis Le Marchant know of the rules and practice of this House? What qualifications had he for a situation embracing so many important duties as those which the noble Lord had pointed out? It was a painful duty for him to make these observations, but it was a duty which he owed to the House of Commons and the country, to state unhesitatingly to the noble Lord what he had heard remarked out of doors. The noble Lord might not have heard these remarks; but other appointments connected with that House had also been remarked upon; but this was especially objectionable, because it affected their everyday duties in that House. Sir Denis Le Marchant possibly might be a very able man. Judging from the number of situations he filled, he certainly ought to be possessed of a pretty general knowledge. But what means had he of acquiring a knowledge of the routine and forms of the House, except that he had been for a short time one of its Members? The noble Lord had not, in his opinion, exercised due discretion in the exercise of his patronage in the present instance. To-morrow the noble Lord's speech would go forth to the public, and he would venture to affirm that whoever read the record of it would agree with him in saying that a sarcasm more severe, or a reflexion more cutting and condemnatory, than that which it conveyed on this appointment of Sir D. Le Marchant could hardly be conceived. Where was his experience? Where was the time which he had devoted to the business of the House —and let hon. Members remember that the business of the House was not to be learned in a day. Even in the simple duty of presenting petitions, Members of ten years' standing often looked very foolish from not knowing and observing the forms of the House; and it was of importance that the Clerk at the Table should be well versed in these matters, so as to place them right when necessary. He did not mean to make any charge against individuals, but he had no hesitation in saying that many fitter men might be selected for the appointment. Judging from the manner in which the present appointment had been made, they might form an opinion how lamentably the business in other departments must be conducted.

Mr. GOULBURN did not think the matter which had been introduced by the hon. Gentleman who had just sat down was suited to the present occasion. He was, perhaps, above all others, qualified to bear his testimony to Mr. Ley, and to the knowledge and advantages derived from his experience, for having come into office soon after his entrance into Parliament, he had been saved, by the experience and knowledge of Mr. Ley, from falling into those errors which, as a young Member, he must otherwise have unavoidably fallen into. He owed him a deep debt of gratitude for the information which Mr. Ley had afforded him from time to time. He had great pleasure in supporting the resolution.

Lord J. RUSSELL hoped the House would allow him to say a few words in answer to the attack made upon him by the hon. Member for Montrose. Of course, it was the duty of the Prime Minister to consider the qualifications of the person whom he recommended for any particular office, and he would do wrong if he took the opinion of persons who had no responsibility, and disregarded his own convictions on a matter of this kind. Now, his conviction was, that he could not have made a better selection than that of Sir Denis Le Marchant. To say that he had no experience of the business of the House, was to say that which might be said of every person who filled the more important situation of Speaker of that House, for every Speaker when first chosen must necessarily be a person without experience in the arduous duties of that office. But with regard to this particular office there was a recommendation by a Committee of the House, with respect to the office of counsel to the Speaker—an office connected with the House, to which a salary of 1,200*l.* or 1,500*l.* a year was attached. When this office was first created, it was one of great responsibility and labour, and the gentleman who filled it had been induced to leave fair prospects at the bar for the purpose of taking this situation. But the course of business in the House had afterwards changed, and another Committee, over which his right hon. Friend the Member for Northampton (Mr. Vernon Smith) presided, recommended that the office should be abolished on the next vacancy, and that the salary should cease. It then became a question of considerable embarrassment to Mr. Booth, not that he thought these duties could not be dispensed with, but he felt that he held an office which stood in the way of a reduction in the public expenditure. It, therefore, seemed to him that if he appointed a gentleman fully qualified, from long habits of business, to discharge the duties of Clerk to the House, and removed Mr. Booth to the Secretaryship of the Board of Trade, he could thereby effect a saving of 1,200*l.* or 1,500*l.* a year. It was with a view to economy that he thus acted; and he had always thought that the hon. Member far Montrose would support whatever promoted public economy.

Mr. GRANTLEY BERKELEY differed from the right hon. Gentleman the

Member for Cambridge University in the opinion that this was not the right time to bring the subject introduced by the hon. Member for Montrose before the House. If it was not discussed then, there would be no other opportunity for doing so. If it was true, as the noble Lord stated, that any new Speaker must be always without experience of the forms of the House, it was the more necessary to have a Clerk who had experience of them.

Resolution was agreed to *nemine contradicente.*

THE HOUSES OF PARLIAMENT—THE ATTENDANCE OF THE COMMONS ON THE QUEEN.

On a Motion to appoint a Committee to regulate the Kitchen and Refreshment Rooms,

Mr. HUME said, he wished to say a few words on another matter. Those who had, yesterday, accompanied the Speaker to the House of Lords, would recollect the disorderly manner in which the Members had been compelled to follow him, and what danger the Speaker himself had in finding his way there. He thought this was highly derogatory to the dignity of the House. Even when they did arrive at the House of Lords, there was not room enough below the bar to contain one-quarter of the Members. He happened to be the twenty-fifth after the Speaker, but both sides of the bar were so filled that he neither saw the Queen nor heard Her voice. It was an eternal disgrace to the House and to the country, that they had expended so much money on a place so ill suited to carry on the business of the country. Could no means be adopted by which decorum could be preserved in future? He recollected that, on one occasion, the coat of a Member of the House, who now filled a high office abroad, had been torn, and that his shoulder had been dislocated. That was in the Old House; but it was as bad, or worse, in the New House. What he wanted was, that a Committee should be appointed to consider of such arrangements as would enable them to go to the House of Lords as became their character and position. If there was only room for a hundred Members, lots might be drawn to ascertain who were to accompany the Speaker, that order might be preserved, and that they might be able to conduct themselves as other men, soberly and decently, and not like a mob. He was himself knocked against the corner there, his head was knocked against the post, and he might have been injured, if a stout Member, to whom he felt much obliged, had not come to his assistance. But, after all, it was no laughing matter, it concerned the character of the House; and he was sure it could not but be a cause of deep regret to the right hon. Speaker that more order and better accommodation for the Commons of England should not be insured at the bar of the House of Lords. He would, therefore, suggest that the Government should make some arrangement with the House of Lords that better accommodation should be afforded to the Members of the House of Commons; while the Commons should at the same time determine the number of Members who should attend on these occasions. He recollected that, in order to prevent any indecorum on the occasion of the House accompanying the Speaker on Her Majesty's coronation, lots were drawn by the Members, and it happened most extraordinarily that his name was drawn first. By that arrangement the Members marched out three and three, and all the House attended, and every thing was conducted in the most becoming manner. This was a matter to which he had on a former occasion called the attention of the House. He had no hesitation in saying that, when hon. Members came crowding against the stone pillars of the New House (the building of which reflected great disgrace on all concerned in it), they would be in great danger of sustaining serious injury; he therefore would entreat the noble Lord to adopt some measure which should protect hon. Members from incurring that risk, and at the same time prevent the recurrence of such a disgraceful scene as that which took place yesterday at the bar of the House of Lords.

THE SESSIONAL ORDERS—PUBLIC BUSINESS—MONEY VOTES.

The usual Sessional Orders were moved and agreed to; on that for fixing the days for Committees of Supply,

Mr. HUME said, he had given notice last Session of his intention to move that no Money Vote should be taken after 12 o'clock, and that intention he should now fulfil. At that period experience had told him that the House was generally very indulgent. On questions of Supply nearly three-fourths of the Members quitted the House, leaving those only who were desirous of watching over the public expenditure; but these were barely sufficient in number to compete with the Ministerial phalanx that was always in reserve; and the consequence was that Money Votes were carried without that attention which even common decency demanded. By limiting the Votes to 12 o'clock, this evil would be obviated, and it might, at the same time, be the means of making Ministers bring on their Votes at an earlier period of the day. He did not intend that those Votes which should have been moved before 12 should be suspended, but that no new Vote should be proposed after that hour. He proposed to add to the Order the words, "and that no Vote for Money be taken in Committee of Supply after midnight."

The CHANCELLOR of the EXCHEQUER thought that it would not be wise for the House to bind itself down to any positive resolution on the subject. He hardly knew an instance in which the Government had persevered in an attempt to force a Vote after 12 o'clock. He was quite sure that in his time no such thing had occurred. Whenever opposition had been made to a Vote after that hour, the Government had given way. It was, in fact, understood that opposed Votes should not be taken after midnight, and he could not call to mind any deviation from that rule. His hon. Friend well knew that there were many Votes to which no opposition was offered, and it could not signify very much at what time such Votes were taken. There were certain periods of the Session when it was desirable to make more rapid progress than at other periods, and half an hour or an hour occupied for that purpose did not necessarily involve a waste of public money. It was far better that the House should be left to exercise its discretion as the occasion arose than that a rule should be established which might tend to impede the despatch of public business.

Mr. HUME said, it was to avoid those discussions which often occurred as to whether the House should proceed or not, that he proposed this Amendment. Many Members were anxious to go home at 12 o'clock, but they were reluctant to do so while the public money was being voted away. If any circumstance arose to require the suspension of the Order, he should be willing to agree to it; but, let what he proposed be the general rule, and the business of the House would be better managed.

Mr. SPOONER thought the practice of taking Votes for public money after 12 o'clock most objectionable. The last grant to Maynooth was taken at a quarter after 1 o'clock in the morning. He would support the Motion of the hon. Member for Montrose, considering it quite indecent to vote away the public money at such late hours.

Mr. W. WILLIAMS said, the greatest mischiefs had arisen from bringing forward votes of importance after 12, and even 2 o'clock in the morning. When his hon. Friend the Member for Salford (Mr. Brotherton) used to perform the onerous duty, in which he persevered for some years, there was some check to the evil; but his hon. Friend had of late years relaxed in his efforts, and that was an additional reason for adopting the Motion.

Sir G. GREY observed, that it was often absolutely necessary, for the sake of the public service, that votes should be taken after midnight; and the hon. Member for Montrose (Mr. Hume) felt that necessity, for he declared he would be ready to vote for the suspension of his rule whenever the necessity arose. But in that case the House would just be as likely to engage in debate, whether the occasion was one of necessity or not, and with the prospect of such discussions upon it, the value of such a rule would be infinitesimal.

After a few words from Colonel Sibthorp,

Question put, "That those words be then added:"—Ayes 47; Noes 116: Majority 69.

LATE SITTINGS.

Mr. BROTHERTON then moved, in pursuance of notice—

> "That in the present Session of Parliament no business shall be proceeded with after midnight; and that at Twelve o'clock at night precisely, notwithstanding there may be business under discussion, Mr. Speaker do adjourn the House without putting any Question."

The proposition was so reasonable he could have hardly anticipated its rejection; but that the division which had just taken place was not very encouraging. It embodied no new principle; 150 years ago the Speaker quitted the chair at 12 o'clock at noon, and the House had lately adopted the rule that he should quit the chair at 6 o'clock every Wednesday. The present system of late hours was exceedingly injurious to the health of Members. There never was a Session during which there was such a mortality among them as the last; and he attributed it to their being worn out by sitting so long after midnight. As to the inconvenience of adjourning at 12, he might remark they were in the habit of wasting a great deal of time after that hour in discussing whether they would adjourn or not. If the rule were once established, they could make any little domestic arrangements they pleased, and would have the convenience they now experienced on Wednesdays. It had been remarked that he had relaxed in his efforts to adjourn the House of late years as soon as the clock struck 12; but then it should be remembered he could not interrupt a Member in his speech, and could do nothing if he did not catch the eye of the Speaker. He had a table for the last nine years of the number of the days and hours the House sat, which was well worth notice, and which he would read:—

	Days.	Hours.	Hours after Midnight.
1842	117	1,008	125
1843	119	986	105
1844	119	906	69
1845	119	1,026	96
1846	139	1,054	77
1847	121	916	71
1848	170	1,407	136
1849	121	958	76
1850	129	1,104	108

The only argument that could be used against his proposition was, that hon. Members would speak against time whenever they sought to defeat a Motion; but even that was better than debating after midnight. The practice of speaking against time was obtained in some very few instances on the Wednesdays; but the good sense of the House would always prevent its being carried to any great length. He asked them to adopt his proposition for the present Session, merely as a trial, and if it did not answer they could easily drop it next Session; but he believed they would see its advantages if once they agreed in passing the Motion as a Sessional Order.

Mr. EWART having seconded the Motion,

Sir G. GREY said, the House having decided against the Motion of the hon. Member for Montrose, he could not conceive that they would adopt one which went much further. No doubt it was very undesirable that the habit should prevail of continuing the debate long after midnight; but that was not the general practice, especially in the earlier part of the Session; the adjournment generally took place about Twelve o'clock. Still, if the rule were to adjourn every night at that hour, the business of the House would be placed, to a great extent, in the power of a minority, and the Session be protracted by the habit of speaking against time—an evil against which his hon. Friend had provided no remedy. He would be glad to see a further adoption of the salutary practice of abridging speeches, and inducing Members to shorten their observations as much as possible.

Sir H. WILLOUGHBY could not concur in the Motion; but thought, nevertheless, that no new matter should be brought on after Twelve o'clock.

Mr. LAWLESS expressed his intention of voting for the Motion on grounds peculiar to the Irish Members. He had observed that the Irish Secretary had almost invariably introduced measures affecting Ireland after Twelve o'clock at night, and he felt sure the rule would be of use in stopping such a practice.

Mr. ANSTEY said, that some measures depended for success on the chance of being passed after midnight. He had supported the previous Motion, because he thought it exceedingly improper that any of the public money should be voted away after Twelve o'clock at night. But, on the other hand, measures of great public importance might be thrown over if the rule were applied to everything. One of the most important measures of last Session passed through the House at Two o'clock—he alluded, of course, to the Engines for taking Fish Bill.

Mr. SPOONER said, that the strongest reason which induced him to vote for the Motion of the hon. Member for Salford was the objectionable practice which prevailed of granting money after Twelve o'clock—a practice which he believed had made a very unfavourable impression on the country, and which would, of course, be at once put an end to by the adoption of the present Motion. Another advantage which would be gained by its adoption would be, that the leaders of parties on both sides would be obliged to address the House at an earlier hour than they were in the habit of doing at present.

Mr. REYNOLDS regretted that the hon. Member for Salford had not moved that the House should meet at Twelve o'clock in the day, which he thought would be a great improvement. If his reading recollection was correct, the House was in the habit, at one time, of meeting as early as eight o'clock in the morning. Inasmuch as merchants and men of business generally found the daytime most convenient for the transaction of their business, he believed that the business of the nation would also be better transacted during the day. He agreed with the hon. Member for Clonmel that the Irish Members had peculiar reasons for complaining of the present late hours. The right hon. Gentleman the Secretary for Ireland, without intending it perhaps, had put him (Mr. Reynolds) to great personal inconvenience. The right hon. Gentleman had charge of a bundle of Bills in which he (Mr. Reynolds) took a deep interest; and, in order to watch their progress, he often remained in the House so late as Three o'clock, and then found them postponed after all.

The House divided:—Ayes 32; Noes 108: Majority 76.

THE QUEEN'S SPEECH — REPORT ON THE ADDRESS.

The MARQUESS of KILDARE brought up the Report on the Address, and it was read.

LORD D. STUART said, that not having had an opportunity of addressing the House on the previous evening, he was anxious to say a few words in order that the support he gave to the Address might not be misunderstood. Although he did not mean to offer any opposition to that Address, yet there were various things in the Speech with which he was by no means satisfied; and there were, besides, many omissions which he regretted. He could not join its expression of satisfaction with respect to foreign affairs. In common with the rest of the nation, he was pleased to find that we remained at peace with all nations; but, at the same same, he could have desired to have heard that, while peace was maintained, the influence of this country throughout Europe was greater, and better established, than, he was sorry to say, judging from the state of public affairs, it appeared to be. The Speech of last year contained a remarkable paragraph relating to the differences which had arisen between some of the great States in the east of Europe in regard to the treatment of the Hungarians who had taken refuge in the Turkish territory, and the House was told that Her Majesty united her efforts with those of France, "in order to assist, by the employment of her good offices, in effecting an amicable settlement of those differences in a manner consistent with the dignity and independence of the Porte." Now, it had long been the profession of British Governments, whether Whig or Tory, that they would support and maintain the integrity of the Turkish empire, and on the occasion alluded to it was felt that the demands of the Northern Courts to have certain refugees delivered up to their vengeance was a violation of the independence of the Turkish empire. He thought it would have been more creditable to our Government, and more agreeable to the noble Lord the Secretary for Foreign Affairs, who had so often declared his anxiety on the subject, if he had been able to come forward and say, "We have not allowed the Turkish Government to be coerced into delivering up these unfortunate men, nor have we permitted the Turks to be forced by Austria to become the jailors of that Government." It would have been most creditable to the noble Lord could he have said, "Kossuth is no longer detained a prisoner against the law of nations, and contrary to the avowed desire of this country." He (Lord Dudley Stuart) felt the more upon this subject, because it was very well known that the sovereign of Turkey had no desire to detain these poor men in captivity, seeing that they had done nothing against him or his dominions. It was notorious that the Turks had no desire to continue these barbarities, but were compelled and coerced into doing so by the representations and influence of Austria. More than that, it was perfectly notorious —or at least it was generally believed by every one who had any acquaintance whatever with the affairs of Turkey—that if the influence of this Government had been properly exerted, earnestly and sincerely exerted, the Turks would have been very glad to return, as they had before, a decided negative to the unjust demands of Austria and Russia. He wished, therefore, that something of the kind had been mentioned in the Speech from the Throne, instead of the subjects which had been thought worthy of a place there. The last year had passed over in complete silence, and instead of Kossuth—that great man for whom such interest was felt in this country, throughout Europe, and in the United States of America—being liberated, he was allowed to rot in an infamous gaol, in which he had been immured through the brutality of the Austrian Government, and allowed to remain, through the apathy of our own. Neither could he, although, of course, he rejoiced at the general peace, look at the state of affairs in other parts of Europe with any satisfaction. He should have been glad if, through the friendly offices of this Government, the House could have been told that the constitutional patriots of Hesse had been saved from oppression, instead of knowing that the despotic Powers had put them down against all justice, and that their most legitimate and constitutional attempt to preserve their liberties without bloodshed, and by solely pacific means had been trampled under foot, while our Government looked on with indifference. They now saw the Austrian rule, at which the noble Lord had expressed so much dissatisfaction, powerful everywhere, the last news being that the Austrian troops were in occupation of the free town of Hamburg. He would not press this subject further; but he was anxious before he sat down to say a few words on the subject usually known as the Papal aggression. Now, although he was as much attached to the Protestant Church as any man in the country, he was anxious, while he reverenced his own religion, to give to every man the most full, free and uninterrupted enjoyment of his peculiar doctrines, and the full command of all internal religious regulations, and he could not conceive any measure of emancipation or toleration to be complete which came short of this. He fully admitted that the Pope's recent measures had been adopted with little courtesy towards the Government of this country. He must say, that for such a sovereign as the Pope, the weakest in Europe, supported only by foreign bayonets, to insult the Sovereign of a great country like this, by dividing her territory into districts, was a gross piece of insolence; and he rejoiced at the manifestations of Protestant feeling which had taken place in England on account of it. He was glad to see the Protestant feeling of the country; but that was a very different thing from interfering with Roman Catholics in the free exercise of their religion. To resort to penal laws would be, as the hon. and learned Member for Sheffield had said, a step backwards; and he fully believed, with that hon. Member, that the time would come when the people of this country would be ashamed of the step now contemplated. Formerly the Pope's power was real, and there might be some grounds of alarm; but now it was a mere shadow, quite unworthy of the alarm it had created. He asked, what power did the Pope give by his late edict? Did he compel people to go to confession, or to put their hands in their pockets for his bishops? No, thank God, he might call spirits from the vasty deep, but they did not come upon his calling. Every one was bound to obey the Pope—just as far as he chose, and no farther. Why, then, this alarm? For his part, he felt none. He believed that truth was great and would prevail, and that there was no fear of the Established Church losing its territory, its titles, or its revenue. All these things were grounded in the laws and constitution of the country, and yet they were startled at the nomination by the Pope of a few titular bishops, as if it was suddenly to make the whole country Roman Catholic. He had no such apprehension; and, in his opinion, the House of Commons had nothing to do with the question. He did not care how many bishops were appointed by the Pope. The Emperor of Russia was head of the Greek Church, and although it was well known that he had no leaning to the Emperor of Russia, yet he would not care if that monarch were to send a parcel of Greek Popes here, and call them archbishops and bishops of different places. Those who condemned the Catholics for marking the country into districts for the purposes of their religion, ought, in consistency, to object to the Freemasons making a similar partition for the objects of their craft. The crusade in which the noble Lord at the head of the Government was about to embark against the names assumed by the Roman Catholic prelates, was puerile in the extreme. Such was the opinion of the noble Lord himself only a short time back. In 1845 the noble Lord stood up in that House and declared that he knew of no objection to Roman Catholic prelates taking the titles of bishops of this country, and that he was unable to conceive any good reason for restraining them from doing so. Again, in 1846, the noble Lord said that to pass a law to prevent persons from taking certain titles was puerile and absurd. It was to be hoped that when the noble Lord brought forward his Bill, he would explain to the House how he had come to change his opinions on this point. Of course, the noble Lord was justified in changing his opinions, if he did so conscientiously; but he was bound to state better reasons for his conversion than had yet been advanced. In the insinuation thrown out by the hon. Member for Sheffield, that the noble Lord had been influenced by a desire to gain popularity, he could not concur; on the contrary, he was ready to give him credit for noble and lofty aims in all that he did. The popularity the noble Lord might obtain from the course he was now pursuing would prove fleeting, compared with what he would obtain from carrying a measure of reform in the representation of the people. As the noble Lord had changed his opinion on the Roman Catholic question, it was possible he might have altered his views also with regard to some other subjects. He saw nothing in the Speech from the Throne in reference to that important question—the reform of Parliament. Last year it was confidently stated by some of the noble Lord's most intimate friends that some measure in that direction would speedily be brought forward; but in the present Speech there was not a word to give those who were looking for an extension of political rights a gleam of hope. Was the omission to be taken as a change of opinion on this question also? Again, nothing was said about the emancipation of the Jews, a measure which of late years the noble Lord had espoused so warmly. Perhaps the noble Lord would condescend to give some explanation as to the course he intended to pursue on these important questions, in order that the country might know whether the expectations which they had been led to indulge in were to be realised. He was anxious that in giving his assent to the Address he might not be supposed as agreeing to the measures which he saw with sorrow were about to be taken, and which he considered an invasion of the great principle of toleration, while they would, he believed, be inoperative for the purpose for which they were introduced.

Captain P. BENNET expressed regret that no hopes were held out in the Speech of relief to the agricultural interest. He referred in proof of the distress to a circumstance that had recently occurred at Eye, in Suffolk, where the agricultural labourers, to the number of between 300 and 400, marched into the town armed with clubs and sticks, and took possession of the workhouse, turning out the master, and breaking the wards and holding possession until they were forced to surrender by a party of shopkeepers and townsmen who had been summoned to assist, and by whom some of the ringleaders had been captured and placed in gaol for the offence. The cause of this outrage was that the labourers had been long out of work in consequence of the inability of the farmers to provide employment for them. In that district the last year had been a most ruinous one. The blight had destroyed, to a great extent, the produce of the land, reducing it from 5 quarters per acre, which the farmers had anticipated from the appearance of the crops in the spring, to 1½ or 2 quarters per acre. The effect of this had been to place many men of capital in such a state of difficulty and distress that they were wholly unable to employ the labourers on their farms.

Mr. HUME called the attention of the noble Secretary for Foreign Affairs to the question which had been put by his noble Friend (Lord Dudley Stuart) on a matter in which the public out of doors deeply sympathised, and which last year commanded as much interest out of doors as the Papal aggression did now. The question which his noble Friend had put was—why was the paragraph relating to the Hungarian refugees, and the efforts of Her Majesty's Government to ameliorate their condition, omitted from the present Speech, while the cause which had led to its insertion in the Speech of last year still existed? He thought respect for public opinion ought to extract from Government some explanation, whether there was any hope for those unfortunate men who were now, at the instance of Austria and Russia, confined in Turkey. It would be satisfactory also, if the noble Lord would state the number of them.

Viscount PALMERSTON: I can assure my hon. Friend that Her Majesty's Government were not inattentive to the subject alluded to. Communications have been carried on by Her Majesty's Ambassador at Constantinople with the Turkish Government, with the view of obtaining the release of these persons; but I am sorry to say that those efforts have not, as yet, been attended with that success which we could desire.

Mr. HUME: Will the noble Lord state whether all the Hungarians who took refuge in Turkey are still detained there, or whether any have been set at liberty?

Viscount PALMERSTON: I cannot state exactly. The number now at Katayah is not so great as it was; a considerable number, about 700 I believe, who remained at Shumlah for some time, have, I understand, lately been forwarded to Constantinople, but whether to be stationed at any place in that locality, or for the purpose of their being sent elsewhere I cannot say.

Address agreed to.

The Queen's Speech to be taken into consideration To-morrow.

House adjourned at half-after Seven o'clock.

HOUSE OF LORDS,

Thursday, February 6, 1851.

Minutes.] *Took the Oaths.*—The Lord Dunsany.

ABOLITION OF THE LORD LIEUTENANCY (IRELAND).

The Marquess of LONDONDERRY said, he wished to ask the noble Marquess the Lord President of the Council a question, to which he hoped he would by courtesy give an answer. He understood from what had taken place in another place, that the Government intended to introduce a Bill for the abolition of the office of Lord Lieutenant in Ireland. Would the noble Marquess tell him, whether it was intended that the measure should be introduced on an early day of the Session? He hoped sufficient time would be given to the people of Ireland to express their opinions upon it by petitions to that House or otherwise.

The Marquess of LANSDOWNE replied, that from what had passed in another place, it would be seen that it was the intention of the Government to introduce a measure for the purpose of abolishing the office of the Lord Lieutenant of Ireland: but no notice had been given of the period when the Bill would be brought forward, and therefore he was not in a position to inform the noble Marquess at what specific time the measure would be introduced. At the same time he was sure he might say, that the noble Marquess might rest satisfied that ample opportunity would be afforded to the people of Ireland to consider and examine the measure.

LORD MINTO'S MISSION TO THE COURT OF ROME.

Earl FITZWILLIAM said: My Lords, I am desirous of asking my noble Friend who holds the office of Lord Privy Seal, whether there is any truth in the allegation which has been very industriously propagated in relation to that transaction which now goes, in the cant phrase of the day, under the denomination of "the Papal aggression." A report has been industriously sent about that my noble Friend, by some act of his, either of commission or of omission, has made himself a party to the proceedings of the Supreme Pontiff on this subject. My Lords, I am desirous of knowing whether there is any truth in this allegation—whether anything ever took place between my noble Friend and his Holiness the Pope, which can give a colour to the allegations made on this subject? I am sure it is most desirable that the public mind should be disabused on this subject, if it has been misled; and on the other hand, if my noble Friend has incautiously given any countenance or encouragement to what has been done, then, however much I may be disposed to trust that he may long retain the office which he now holds, I must take leave to state that I think my noble Friend has acted with a want of caution which I should not have expected from a man of his experience.

The Earl of MINTO said: My Lords, I have no difficulty in assuring my noble Friend that I have shown no want of that caution for which he is good enough to give me credit. I will answer my noble Friend's question in one word. There is no truth whatever in the report, or in any part of the report, to which my noble Friend adverts. No communication whatever upon the subject of this aggression was ever made or even hinted to me; and I really am entirely at a loss to guess on what grounds or authority the report on this subject, which I certainly heard with considerable surprise, has arisen. My Lords, during the period of my residence in Rome, in the course of very frequent communications with the Pope and the Cardinal Secretary of State, no allusion was at any time made to any design of organising a Roman Catholic hierarchy in this country, or of any measure such as that of which we have lately heard so much. I neither received any communication upon it from these illustrious individuals, nor did it ever form the subject of any conversation, public or private, of any other individual during my stay. And I assure your Lordships that no one of your Lordships could have been more completely surprised at the arrival of the Papal document in this country than I was. My Lords, I trust that this assurance will be satisfactory to your Lordships.

THE CAPE OF GOOD HOPE.

Lord WODEHOUSE presented two petitions—one from the commissioners for the municipality of the city of Cape-town, and another from the resident householders of the municipalities of Cape-town and Green Point, on a subject which he considered of great importance. The latter petition was very numerously and respectably signed. The petitioners represented that Her Majesty had been advised to establish a Legislative Council and a House of Assembly in the colony, of which Cape-town was the capital; and that as the Legislative Council had lost the confidence of that colony, they were anxious to lay before their Lordships a plan of constitution which they considered a better plan than the present, and of which they furnished the details. They further represented that as the Governor had been empowered to make, continue, and alter the existing laws of the colony with the assistance of the House of Assembly, and as it was impossible for the House of Assembly to continue its functions under the present constitution, it was necessary that measures should be taken to remedy the evils which must of necessity result from the present state of things. He did not wish to be understood as concurring in all the representations of the petitioners, but he thought their Lordships would feel that the present state of affairs in this colony was one which all parties must desire to see speedily put an end to, as being fraught with very great dangers to the colony, and also to the friendly feeling which the colonists entertained towards this country. It was therefore desirable, and doubtless his noble Friend (Earl Grey) desired, that the question should be brought before Parliament as soon as convenient. He would, therefore, ask his noble Friend whether he was prepared now, or at any early period, to lay on the table of the House copies of any correspondence that may have passed between the Home Government and the Governor of the Cape of Good Hope, relative to the establishment of the constitution proposed to be introduced at the Cape of Good Hope, and also copies of any other despatches or communications which may have passed on the subject?

EARL GREY said: In answer to the question put by my noble Friend, I beg to inform the House that it is my intention to lay on your Lordships' table certain papers connected with the proposed alteration of the constitution of the Cape of Good Hope; but it is not in my power to do so until further advices are received from the Cape, because it is necessary that the despatches addressed to the Governor of the colony should be answered before the correspondence is laid on the Table of the House.

MR. NICHOLLS, LATE SECRETARY TO THE POOR-LAW BOARD.

EARL FORTESCUE, before putting the question of which he had given notice, respecting the grant of a retiring allowance to Mr. Nicholls, late one of the Secretaries to the Poor Law Board, begged to state some facts which bore essentially on the merits of his case. Mr. Nicholls was originally a captain in the service of the East India Company. On his retirement from that service he took up his residence in the parish of Southwell in Notts. While in that place he became so impressed with the evils arising from the mismanagement of the poor under the law as it then existed, that he could not refrain from attempting to redress them. He did so with so much success, that in 1832, some years after his removal from Southwell, the system which he had established there attracted the attention of the Commission appointed to inquire into the operation of the poor-laws; and, in consequence of the terms in which he was noticed in their reports, he was applied to on the passing of the New Poor Law, in 1834, to become one of the three Commissioners for the administration of that law. At that time he was holding the situation of manager of the Branch Bank of England at Birmingham, at a salary of 2,000*l.* a year; and so anxious was the Bank of England to retain the benefit of his services, that on hearing of the application of the Government to him they volunteered to offer him an additional 500*l.* a year, and intimated, that if he did not think that advance sufficient, they were prepared to give him still more. Mr. Nicholls, with a public spirit which did him much honour, gave up his private lucrative situation for a more arduous and less profitable employment in the public service, and accepted the commissionership. So satisfied was the Government with his conduct in the administration of the poor-law in this country, that when it was in contemplation to extend a similar law to Ireland, he was appointed to visit that country and inquire into the propriety of such a measure. On his report, though shorn of its most important recommendation with respect to mendicancy, was founded the poor-law for Ireland, which passed in the year 1838; and at the end of 1838 Mr. Nicholls was appointed to superintend its execution. Early in the year 1839, his (Earl Fortescue's) acquaintance with that gentleman commenced. He was, of course, by his position as Lord Lieutenant of Ireland at that time brought into constant communication with Mr. Nicholls; and in that and the two following years he had constant occasion to admire the great abilities, the persevering industry, the cheerful good temper and the great self-devotion to the public interests which so uniformly animated his exertions. In the autumn of 1841, he (Earl Fortescue) left Ireland. Mr. Nicholls was removed shortly after; but, without questioning the policy of that removal, it may fairly be said that those who succeeded to his office did not find it easier than he had to overcome the difficulties of carrying out the new system. After Mr. Nicholls returned to England, he remained a member of the Poor Law Board until the constitution of that Board was altered by the Act of 1847, when he was appointed one of the two assistant secretaries, with a salary of 1,500*l.* a year. Since then Mr. Nicholls had found himself compelled, by impaired health, to give in his resignation; and, after a service of sixteen years, he was not entitled by the constitution of the Poor Law Board to any retiring pension. He (Earl Fortescue) hoped, however, that the justice of the country would not suffer a public officer who had sacrificed to it so much of his personal interests to retire into private life at the age of more than 70, without some provision for his declining years, and some acknowledgment of his valuable services. He (Earl Fortescue) had not had any communication, directly or indirectly, with Mr. Nicholls on this subject; but having witnessed his labours and known his merits during the most trying and most important part of his official career, he felt it a duty not more to Mr. Nicholls than to that House and to himself to say what he had on his behalf. He would now ask his noble Friend the Lord President of the Council, whether it was in the contemplation of the Government to make any provision by way of a retiring pension for Mr. Nicholls?

The MARQUESS of LANSDOWNE, before answering the question which the noble Lord put to him, begged to say how entirely he concurred in the whole of the statements he had made respecting Mr. Nicholls. With many parts of the statement of his noble Friend he (the Marquess of Lansdowne) agreed, from a personal knowledge of the facts to which they related, and he had no reason to doubt the other circumstances that had been mentioned. Such being the case, he could have no hesitation in stating that the mode of appreciating the merits of Mr. Nicholls, and providing a reward suitable to his services so long and so ably rendered, was under the consideration of Her Majesty's Ministers. When he said this, it must be remembered that any plan for carrying out such an object must be submitted in the first instance to the other House of Parliament, and he therefore thought it inexpedient in that place to state what was the nature of the reward proposed to be conferred on Mr. Nicholls; although he had no doubt that when it was made public, it would prove satisfactory to all parties.

LORD BROUGHAM felt it due to Mr. Nicholls, to justice, and to the great system of the poor-law, in the administration of which that gentleman had taken so prominant a part, to declare that Mr. Nicholls had been the great and principal agent in devising the new law, and in carrying it afterwards into execution. He was anxious to state his entire concurrence in all that had been urged by his noble Friend (Earl Fortescue) on behalf of Mr. Nicholls; and he could add this fact of his own knowledge—for his noble Friend opposite (the Marquess of Lansdowne) and himself had been the cause of bringing Mr. Nicholls to town—that with a due regard to his private circumstances, and with a well-founded and proper view to the interests of his family, Mr. Nicholls felt much hesitation in accepting the offer of Government. and that his noble Friend and himself had removed that hesitation by assuring him that his services were—he would not say absolutely, for that would not be true of any man—but were essentially necessary for bringing into effect that great change of the law, of which he might add that Mr. Nicholls was, practically speaking, the originator. Southwell was the parish in which the improvements of the poor-law were first tried; and it was upon the experimental proofs of those improvements that the New Poor Law was framed. After dwelling for some time on the inestimable value of the services of Mr. Nicholls, his Lordship added that he could confirm the assertion of his noble Friend opposite, that partly from a love of his system, and partly from a desire to carry his principles into effect on a great scale, Mr. Nicholls had given up the lucrative appointment under the Bank of England which he held at Birmingham. On a recent change of system, recommended by a Committee of the House of Commons, the salary of that gentleman, as assistant-secretary to the

Poor Law Board, had been reduced to something more than half the amount of his salary as manager of the Birmingham branch of the Bank of England, and hence the retirement of a gentleman whose services had been of inestimable value to his country.

The EARL of CARLISLE, who had become acquainted with the merits of Mr. Nicholls during his tenure of office in Ireland, bore testimony to the high value of his services, and declared that, of all the men whom he had met in private and public life, Mr. Nicholls appeared to him to be the most honourable.

The EARL of ST. GERMANS, as late Secretary for Ireland, expressed a similar high opinion of Mr. Nicholls' character and services.

LORD CAMPBELL said, that his noble and learned Friend, when speaking of the merits of Mr. Nicholls, might have added, that the poor were better taken care of in England and Ireland under that gentleman's administration of the poor-law than they had ever been taken care of previously.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 6, 1851.

JEWISH DISABILITIES.

MR. W. P. WOOD wished to ask whether the noble Lord at the head of the Government was prepared to bring in any measure to carry into effect the resolution passed on the 5th of August in the last Session, "That this House will, at the earliest opportunity in the next Session of Parliament, take into its serious consideration the form of the oath of abjuration, with a view to relieve Her Majesty's subjects professing the Jewish religion."

LORD J. RUSSELL begged to inform the hon. and learned Member that it was his intention to introduce a measure on the subject.

MR. W. P. WOOD: At the very earliest possible opportunity?

LORD J. RUSSELL: The hon. and learned Gentleman knows that there is a very important measure for to-morrow. I will see the progress of that measure before introducing another.

ADDRESSES TO HER MAJESTY.

LORD J. RUSSELL said, he had stated last year that it was his intention to propose such a Motion to the House, but he thought it was better to postpone it to the ensuing Session, rather than propose it at the end of a Session. It was obvious that, with the multiplicity of business which that House had to transact, and with the topics of great public interest that came before it, there must occasionally be matter of very considerable public importance brought under consideration, and decided in a very thin House. Now, if a Motion of this kind was one for bringing in a Bill, and the House decided in favour of allowing a Bill to be brought in, to which the majority were opposed, that Bill would not make much further progress. If it was a resolution, and that resolution appeared to the majority of the House to be at variance with the public interests, that resolution would be rescinded, and no further progress taken on the subject. But supposing that the Motion was in the shape of an Address to the Crown, and that Motion was carried in a thin House, and by a majority of no great number, there was an obvious inconvenience which would arise, because that Address, being ordered to be presented to the Crown by such Members of the House as are Members of the Privy Council, no further proceeding is necessary on the part of the House. Now, supposing the advisers of the Crown were of opinion that this Address ought not to be carried into effect, and were not disposed to comply with it, he thought that they would place either the House of Commons or the Crown in a position of great difficulty. Supposing that a majority of the House were of opinion that the Address was one which should not be carried into effect, and which was at variance with the public interest, and the Crown refused to comply with the Address, the Crown would, in fact, be placing itself in the position in which the House of Commons should be, and would be carrying into effect in reality the will of the House of Commons. But if, on the other hand, the opinion of the Crown should be that such Addresses should not be carried into effect, and an answer should be returned that the Crown declined to comply with the prayer of the Address, and afterwards, upon a renewed discussion, that the House should by a majority again ask the Crown to comply with the prayer of that Address, it was evident that the Crown would be placed in a difficult position, having intended to consider the public interest, but being then placed in direct collision with the majority of the House of Commons. It appeared to him that, although the Crown should have the full liberty and discretion to refuse to comply with Addresses of the House of Commons which should appear to its advisers injurious to the public welfare, yet that that power should be very sparingly exercised, and that they should endeavour to make the cases as few as possible, and that, except in a case of grave importance, such advice should not be given to the Crown. He thought that, as in the case of a Bill or a resolution, the House should have the power of reversing their decision on a subsequent day, when the House should be fuller, and more consideration might be bestowed upon the question. What he proposed was already the practice of the House on occasions on which any money was to be granted, and he thought it would be for the public interest that they should adopt a similar resolution with respect to all other matters upon which any opposition was offered. He had included in his resolution all public matters; for it might happen that an Address might be one for papers which it might be exceedingly injurious for the public service that the Crown should grant. He need hardly refer to instances in which such a resolution would have been useful; but there were two which he would state to the House, and both of which occurred in late years. One was an Address to the Crown, for the purpose of setting free some persons transported for political offences; that was an address that could not have been carried in a full House, and it happened that it was not carried in the very thin House in which it was brought forward, but only because the Speaker, using the power which was placed in his hands, with great judgment and great firmness, when the numbers were equal, decided against the address being carried. The other instance occurred in the last Session, with respect to the Post Office; and he was asked, immediately after the Address was carried, whether the Government were disposed to comply with the address. He did not believe that the address really conveyed the opinion of that House; but at the same time it was the formal act of the House, and he did not think himself authorised to go to the Crown and say, that that resolution, which had been carried by a majority, was, in fact, not in accordance with the wishes of the House of Commons. He did not think it a case in which the Crown should interfere to prevent the wish of the House of Commons being carried into effect, and therefore the Ministers of the Crown advised that the Address should be complied with. He thought, if they considered the agitation and the public inconvenience caused by that compliance, the House would see the advantage of having such an opportunity for considering whether they would confirm their first decision, as was given by the resolution which he had now the honour to propose.

Motion made, and Question proposed—

> "That this House will not proceed upon any Motion for an Address to the Crown to which opposition is offered, but in a Committee of the whole House, except with respect to matters which have been previously submitted to a Select Committee."

Mr. Herries opposed the resolution as an attempted abridgment of the individual rights and privileges of Members of that House. He thought that it had of late years been too much the practice to curtail the privileges of individual Members of the House. In some cases, perhaps, this might have been advantageous to the public service, and to the despatch of business, while in others his own opinion was it had been done for the purpose of giving facilities to a majority in the hands of a Minister, for doing that which might have received more effectual opposition had more power been left in the hands of individual Members. When he first entered the House any Member had the undoubted privilege of rising and making a Motion, without giving notice of it. That was found inexpedient in practice, though he still thought it was in the power of every Member to do so. Still he admitted that by almost universal consent that right had been abandoned, and it was now expected that every Gentleman should give notice before bringing on a Motion. He had not offered any opposition to the restrictions, when they had been imposed with manifest propriety, or something like advantage to the public business; but here was a case of a different description. It was manifest that it arose out of an occurrence of the past year, which was extremely distasteful and disagreeable to Her Majesty's Ministers, and for that reason they must scrutinise more particularly the grounds on which they were urged to adopt it. How would the resolution proposed by the noble Lord apply to a Motion for an Address in answer to the Speech from the Throne at the opening of the Session? No man could say whether it would be opposed or not. If it was meant that every Address, before being presented, should be referred to a Select Committee to draw up, they would do the same in that case as they did in an Address to the Crown in answer to the Speech at the opening of the Session; but that was not expressed in the resolution, nor was it in accordance with its terms. If the resolution had been that no Address should be agreed to until it had been presented to a Select Committee, he could have understood it; but that was not implied in the resolution as it stood at present; and which, in its present form, might in some cases prove an impediment to the despatch of public business. Suppose that some foolish insanity should be practised on the person of the Queen, and that the House wanted immediately to express their feelings on the occasion, the resolution of the noble Lord would impede that. [Lord J. Russell: No, no!] For it would require either that they should resolve themselves into a Committee of the whole House, or that a Select Committee should be appointed to draw up the Address before it could be moved. With respect to the Address with reference to the Post Office, in the previous Session, if he recollected rightly, ample notice was given beforehand of the intention to move such an Address, and therefore the Ministry had ample opportunity to prepare their friends to meet and oppose that Address. Besides, he thought that even when the Address was carried, if the Minister believed that it emanated, not from a majority, but only from a small minority of the House, Her Majesty might have constitutionally declined to give an immediate acquiescence to the proposal, and thus have prevented the inconvenience which the Minister believed would follow, and which did follow, from the too hasty adoption of that Address. The noble Lord supposed the case where an Address should be carried, to which the Crown could not accede, and that in consequence of its not acceding, the subject again came before the House of Commons, and that that body, by persisting in the request of that Address, should thereby place the Crown in a state of difficulty. But that was not a case to be met by this resolution. That would be a case of a difference of opinion between the Crown and the House of Commons; because the Minister at the head of Her Majesty's Government would have had abundance of time to collect the opinions of the House of Commons, and to secure a majority, if he had the power of commanding a majority. If he had not power, it was only saying in other words that he had not the confidence of the House sufficiently to enable him to carry out his views. The occurrence of last year showed that the Minister of the day did not sufficiently command the confidence of the House to secure a reversal of the first vote. The proper course for the Government was so to conduct the public business, and so acquire the confidence of the House, that such restrictions as were now proposed should not be necessary. The individual rights of Members had already been greatly curtailed, and he thought that there was great objection to further curtailment, unless the fullest grounds of expediency and of advantage for the conduct of the public business were shown.

Mr. M. GIBSON wished to know the effect of this resolution on the ordinary Motions for returns from the public offices? If there was any opposition to the return being furnished, he understood that it would be necessary to go through two stages and obtain two majorities, before the return could be obtained. He would suggest that it would be reasonable to except Motions for addresses for papers of the kind to which he had alluded from the operation of the resolution.

Lord J. RUSSELL said, that undoubtedly if there was an opposition offered to the presentation of an Address to the Crown for returns, that two stages would be necessary. There was not, however, generally any objection to addresses for the usual papers: he could not make any distinction in the resolution between addresses for papers, to the presentation of which there could be no valid objection, and addresses for papers during the course of a negotiation, the production of which might be highly inconvenient to the public service. He could not see how the resolution at all diminished the privileges or liberties of individual Members of the House: it only decided that the minority of the House should not have the power of presenting Addresses to the Crown. The intention of the resolution was, that there should be more than one vote before such an address was presented, in case there was an objection made. He did not think that in such a case as that mentioned by the right hon. Gentleman the Member for Stamford, in which the House might wish to express their feelings upon a subject respecting the Royal Family, that any opposition would be offered, and therefore, in such cases, the resolution would not come into effect; and suppose that opposition were offered, the House would immediately go into a Committee of the whole House, and the Address would at once be agreed to. He did not think that the right hon. Gentleman was justified in saying that there was any disadvantage to the Crown in what happened last year—the disadvantage was to the public. He thought there would be a great public disadvantage if an Address to the Crown should be carried by a majority in a very thin House, and the Crown should be under the necessity either of complying with an address that the House afterwards wished reversed, or of not complying with it under what might be an erroneous opinion, that the majority of the House did not agree with it. The power which Members might have to bring forward Motions without giving notice would not be affected by this resolution.

Mr. GOULBURN must oppose the resolution. It laid down a new principle, that the House was to take one course when a Motion was not opposed, and another course when a Motion was opposed. It was extremely difficult to see how this principle would be carried out. The single "No" of an individual Member might have the effect of postponing an important question until a Committee could be appointed. The resolution proposed by the noble Lord at the head of the Government, afforded no security against a Member coming down to the House, and in a thin House carrying an address in favour of something that had been recommended by a Committee upstairs, and then all the inconvenience would arise that the noble Lord apprehended from the present course. The resolution of the noble Lord was founded upon an entirely new principle, and one the actual working of which it was extremely difficult to fix in the mind. It might have the effect of postponing the decision of the House upon some very important question, which it was of importance to take up at once. He thought, therefore, that on principle there were grave objections to the proposal of the noble Lord. How, for example, would it operate on the general business of the House? The greater part of the information obtained by the House on colonial and domestic matters, and with respect to our relations with foreign Powers, was by means of Addresses to the Crown; now, if this resolution were passed, and a Member in Opposition wished for information, it would be in the power of the Minister, by saying "No," to postpone that Motion for an indefinite period, until a Committee could be formed, and the question brought before it. Nor was it like an ordinary postponement, when there was a difficulty in getting a day for the Motion. Here the Member had got his day and brought forward his Motion for the Address, when the negative obliged him to postpone the Address and bring forward a Motion for a Committee on another day. He thought the resolution might thus be the means of adding to the business of the House to an extent which would not be compensated by any relief derived from it. It was not expedient to legislate for cases that were not of frequent occurrence; and the noble Lord had not suggested more than two cases during a considerable period on which the House had been taken by surprise on questions of this kind; and he himself, in his Parliamentary experience, recollected so few addresses being carried in which the House did not concur on mature consideration, that he thought it was not expedient to legislate on the subject. If the noble Lord did not agree with him in that view, he thought that all events the terms of the resolution required a great deal of consideration.

Viscount BERNARD wished to call the attention of the House to a constitutional question involved in the resolution. In what sort of a position would we be placed by it should the same state of things again take place which occurred before the dissolution of the Melbourne Government? Suppose that the majority of the House, or those who imagined that they might be a a majority, if they appealed to the country, carried the Address to the Crown of want of confidence in Ministers, did the noble Lord mean that under this resolution Her Majesty's Ministers were to have a second chance of retaining their seats? During the debates on the Irish Registration Bill last Session, when the Members of the House were nearly balanced, probably had Lord Stanley moved a vote of want of confidence, the numbers would have been the same as those who supported him on the Irish Registration Bill; but if the noble Lord's resolution had been in force, Lord Stanley must, if successful, again have submitted his Motion to the House, when perhaps some stray friends might have been brought from distant parts of the Continent, even from the discharge of duties abroad, to give their support to the Government. In 1841, the Government of that day was expelled by a vote of want of confidence on the part of that House. The noble Viscount read the terms of the vote; and he contended that in such cases the resolution of the noble Lord would operate as a check on the expression of opinion by the House. The noble Lord concluded by reading an extract from the Address of want of confidence in Her Majesty's Ministers, which was subsequently agreed to by the House, on the Motion of the hon. Member for Dorsetshire.

SIR G. GREY did not think the noble Viscount was particularly happy in his illustration of what he thought would be the inconvenient working of the Motion proposed by his noble Friend at the head of the Government; for if he (Sir G. Grey) was not mistaken, the noble Viscount had read the Address of the House in 1841, which was an Address at the opening of the Session, in answer to the Speech from the Throne, and had therefore gone through precisely that course which every opposed address would go through in ordinary circumstances if the resolution of his noble Friend were carried. That Address, after being moved in the whole House, was referred, as all addresses at the opening of the Session, in answer to the Speech from the Throne, are, to a Committee, and was then reconsidered on the bringing up of the Committee's report on a subsequent day. The right hon. Gentleman the Member for the University of Cambridge, seemed to misapprehend the effect of the proposed resolution, in thinking that the opposition of any Member of the House would stop a debate and prevent discussion. The effect would simply be, that the debate would go on, that the House would resolve that an address should be presented, and it would be then referred to a Select Committee to draw up the address and report it on a subsequent day. The intended effect of the resolution was, that a second stage should take place in all those cases in which an address was opposed. It was, no doubt, exceedingly desirable that the terms of the resolution should be carefully considered; and if the House was not disposed to adopt the resolution now proposed, it was more desirable to take some time for consideration.

LORD J. RUSSELL said, that he would postpone the further consideration of the resolution until Tuesday next.

SIR R. H. INGLIS thought it was impossible it could be an adjournment. The Motion must be withdrawn, and a new one made on Tuesday.

LORD J. RUSSELL thought it was just the same thing whether he withdrew the Motion or postponed it till Tuesday.

MR. DISRAELI said, the project of the noble Lord did not appear to be so mature as to warrant his taking Tuesday next. Besides, there stood an important Motion for that night.

LORD J. RUSSELL did not mean to take any precedence over the Motion of the hon. Member for Buckinghamshire on Tuesday.

Motion made, and Question proposed, "That the debate be now adjourned."

Motion and Original Question, by leave, withdrawn.

The House adjourned at Six o'clock.

HOUSE OF LORDS,

Friday, February 7, 1851.

MINUTES.] PUBLIC BILL.—1ª County Courts Extension.

COUNTY COURTS EXTENSION BILL.

LORD BROUGHAM would now state the course he intended to pursue in reference to a very important Bill—the Bill for amending the Law of Evidence, and to move the first reading of another Bill which he then proposed to lay upon the table, and which he considered of not less importance—namely, a Bill to transfer the business in Bankruptcy to the jurisdiction of the County Courts. He had already stated, when he laid the first of these Bills on the table, that he would explain the particulars of it to their Lordships when he moved its second reading. One reason for bringing these measures forward at so early a period of the Session was, that he saw no grounds for hoping that, if he deferred the exposition of the dry details connected with this and his other Bill till a later period, he did not think he should find more time or less indisposition to discuss them, than now, when the minds of all men were almost exclusively engaged in the consideration of one great and overwhelming question. But his principal reason for moving thus early in the Session in this matter was, that, as he was delighted to hear, proceedings were now in progress under the sanction of the Crown for amending materially the law of the country, and the different courts of judicature, and for making material improvements in both; and he therefore thought it his duty to lose no time in laying before the House such considerations as he conceived to be correlative to these objects. He would not go further into the measure for improving the Law of Evidence than was necessary to remind them of the Bill introduced and carried by his noble and learned Friend Lord Denman, a few Sessions since, for the purpose of taking away all objection whatever to the admission of evidence on the ground of want of character of witnesses even as established by conviction, and, above all, on account of the interest, be it great or be it small, be it direct or be it indirect, which they might have in the matter in dispute, leaving it to the court or the jury to put their own value on the testimony of witnesses who might be obnoxious to such objections. He might simply state that the object of his measure was to render that Bill complete by carrying its principle into full operation, by giving the parties to a suit the right of tendering their own evidence, and of examining and cross-examining one and another adversely. He would not move that this Bill should be read a second time that evening, but should propose that its next stage should be taken at whatever time should best suit his noble and learned Friend on the woolsack, his noble and learned Friend the Lord Chief Justice of the Queen's Bench, and his noble and learned Friend (Lord Lyndhurst), whom he was now happy to congratulate on his recovery from his recent indisposition. With regard to the other Bill, which he had mentioned to their Lordships, for extending the jurisdiction of the County Courts to cases of bankruptcy, he must now proceed to make a short statement respecting its history, in order that their Lordships might see it was no new measure. When the Bill which he had introduced in the year 1833 for the establishment of local courts throughout England was unhappily lost, it became necessary, a few years afterwards, as we then had no local courts, to extend the new system of administering the bankruptcy law adopted in the London district, where its success had been complete. It had been said at the time that his noble and learned Friend (Lord Lyndhurst) was premature in making that extension, and that he should have waited till a local jurisdiction was established. That was the objection of his noble and learned Friend (Lord Cottenham), whose absence from the country, owing to the state of his health, he deeply lamented. But the answer was obvious: "You have now a system of administering the bankruptcy law in operation in London, which, during the last nine years, has been eminently successful; ought we to wait for nine years more before we extend it to the whole country?" The consequence was, that the London system was introduced into every part of England by Lord Lyndhurst's Act of 1842. Twelve officers were appointed to act as commissioners at salaries of 1,800*l.* a year; as many registrars with salaries of 800*l.* a year; and as many ushers with subordinate salaries; and the result was that an expense of 55,000*l.* a year had been added to the bankruptcy system, and entailed upon the country, and without any objections being urged against it, except by interested parties. Watching anxiously, as he had done, the working of this system for the last eight years, he had heard of little or no objection to it; but he had seen irrefragable proofs of its excellent working, in all the country districts. Thus, first, the seventy commissioners in the London district, who were sometimes called in the profession the Septuagint, were got rid of, and six commissioners, now reduced to five, and hereafter to be reduced by any new vacancy to four, who were men of great eminence in the law, and whose time was entirely devoted to their duties as Commissioners, were appointed in their stead. Then in 1842 the same system was extended to the country. But then, after the experience of seventeen years, a period which he thought might have well been shortened, came first the Act of 1845, appointing local courts, and then the Act of last Session to complete it. No doubt the establishment of County Courts for the recovery of all sums under fifty pounds had produced the greatest satisfaction in all parts of England; and when he mentioned the number of suits that had been decided in them, first, under the Act which limited their jurisdiction to all sums not exceeding 20*l.*, and next under the Act which extended their jurisdiction to all sums not exceeding 50*l.*, he thought that he should convince their Lordships that those two Acts had proved eminently satisfactory in their operation. In the course of the last five years, a million and a half of suits had been tried in the County Courts, and in the course of the last five months, taking the suits for sums between 20*l.* and 50*l.*, there had been no less than 4,000 tried, being at the rate of 10,000 for the year. He stated this upon the authority of a very sound lawyer, who was now acting as a County Court Judge. a person on whose good judgment on the system he could rely, as well as on his accurate statement of the fact. He had asked that learned gentleman what part of these 4,000 suits had been withdrawn from the jurisdiction of the superior courts in Westminster-hall; and his reply was, that no doubt some, even a considerable part of the number, had been withdrawn from those courts, but that by far the greater part would never have been taken there at all, and that they were brought into the local courts on account of the facilities which they afforded to suitors, and on account of the saving of expense and of time with which their proceedings were conducted. Now, in his (Lord Brougham's) opinion, a greater eulogy than that could not be passed on the new system; for, if a large number of these suits would never have been tried at all but for the introduction of it, justice would have been denied *pro tanto* to the subject; and therefore, he conceived that the extension of the first Act for the institution of County Courts had conferred a most important benefit on the community. He regretted that that Act had not been passed, as he proposed, 17 years ago; for, during all that long interval the benefit which the country was now deriving from it had been withdrawn from its inhabitants. He, therefore, implored their Lordships not to postpone for so long a time, or for an indefinite period, the measure which he was then about to propose. There were three parts of the measure of 1833, which had not been introduced either into the County Courts Act of 1845, nor into that of last Session. First of all, he had proposed in that Bill to give to the County Courts a certain equity jurisdiction, which was not given them in either of the two Acts now in existence. He had also proposed to assign to them many of the powers now exercised by the Masters in Chancery and other subordinate officers in that Court; but that proposition also was not contained in the existing law, except to a very limited extent. Secondly, he had proposed to enable the County Courts to act as courts of reconcilement—a system which worked admirably wherever it was tried upon sound principles, as in Denmark and Belgium; in the former country it had existed for upwards of half a century, and it had stopped four or five parts of the litigation which formerly prevailed, without any compulsion, too, but with the consent of the parties in each case. It was agreed by all his noble and learned Friends at the time that, if the Bill of 1833 passed at all, this important provision should form a part of it. Lastly, it had been proposed in the Bill of 1833 that the local courts should have all the jurisdiction in matters of bankruptcy; and the result of not acceding to his proposition at that time was, that we had now a system of bankruptcy which cost us an annual expenditure of 55,000*l.* that might have been spared. What he now proposed to do was this—gradually to hand over all transactions in bankruptcy to the jurisdiction of the County Courts, so as only to have one local judicature for bankruptcy, as well as for insolvency, of which the County Courts now have cognisance. We had now established, by the Acts of 1842 and 1845, two different jurisdictions when one would have sufficed, if local courts had been established: we had a Bankruptcy jurisdiction with twelve commissioners, twelve registrars, twelve ushers, and all the other expenses of the court; then we had the County Courts with their sets of local judges, local clerks, and other officers, requiring an outlay of 90,000*l.* or 100,000*l.* more; and yet it was now quite clear that the County Courts might do all the work of these two jurisdictions without any Commissioners of Bankruptcy, without any registrars, but with official assignees, the very corner-stone of the system. The Bill which he was then about to lay on the table was calculated to absorb these two jurisdictions gradually one into another by letting the County Courts administer the business in bankruptcy, as they now did, to every body's satisfaction, in insolvency. On moving the first reading of it, it was not necessary for him to describe the details by which it would accomplish this desirable change safely but yet effectually. The saving to the country would be very great, and would eventually amount to nearly 60,000*l.* a year; but it could only be effected to its full extent as the existing Commissioners in Bankruptcy made vacancies in their office either by death or resignation, inasmuch as they now held their offices for life, like the

Judges. But the sooner the Bill passed the better, as vacancies might happen every hour, and those vacancies might be filled up, and the substitution of one system for the other would thus be indefinitely postponed. Now, as to the question of saving. Taking the whole expense of Bankruptcy, together with that of the County Courts, the entire saving effected by the plan which he proposed would amount to 42,000*l.* a year; that was to say, supposing there would be no increase of salary to the County Courts Judges, in consequence of the additional duties they would have to perform. If such increase were given to them, the saving, of course, would be diminished; but if they had efficient County Court Judges, it might possibly be fit that they should have some increase to their duties without an augmentation of salary. There was another saving of considerable amount, which was also contemplated. The receipt of moneys in every County Court required an expense of treasurers amounting at least to 14,000*l.* a year. In the London district the expenses incident to the receipt of fees in Bankruptcy had been entirely done away with by the simplest possible arrangement with the Stamp Office, by means of which, through orders issued by the Commissioners of Inland Revenue, all the proceedings were upon stamped paper, and not a single treasurer was required. Extend this to the County Courts generally, and you save 14,000*l.* a year. There had been a falling-off in bankruptcy business of late years. He was glad of it; for it was both an indication of the greater prosperity of the kingdom, and a proof of the facilities which the County Courts afforded for recovery of debts, and thereby for the avoidance of bankruptcy. It was also in part owing to the improvements in the Bankrupt law effected two years ago, and which rendered their operation upon dishonest or extravagant traders more stringent. The average number of bankruptcies for the last five years, including the two years of distress in 1847 and 1848, was 1,440; and taking the average of the other five years, excluding the years 1847 and 1848, the number was 1,340, which was a diminution of 606 from the average of the last seven years; and of 400 and odd from the average of the last five years, which might be taken as ordinary years. He had not many more observations with which to trouble their Lordships. He should postpone, as he had already stated, the description of the machinery of the Bill until it reached the Committee, where alone it could be properly discussed. There was, however, one point on which he thought it important that he should still make some observations. There were two modes in which their Lordships might enable the Judges of the County Courts to exercise their jurisdiction in bankruptcy, either, as now in insolvency, and in their general jurisdiction, not fixing them to the spot, or by fixing them to the spot, and making them resident and permanent judges. The objection to their being, as it were, itinerant judges, was the delay which might occur in the first and important proceedings in Bankruptcy in their absence; but this might be obviated by giving the registrar or clerk power to do it in his absence, liable to the reversal of his proceedings when the judge next came to that place in his circuit. The objections to their being made fixed and resident judges was the possibility of their becoming influenced by local intercourse — of their losing the advantages of the superior legal society with which they mixed in Westminster Hall—and of their not having that knowledge of the law which circulated through its courts, and without which every practitioner of the law soon fell behind his fellows. Upon the whole, and after a balance of the difficulties, he was inclined to think that these judges should not be fixed any more than they were at present. This, however, was not a matter on which he had yet formed a final opinion, though he inclined to that which was the inclination also of his noble and learned Friend opposite (Lord Lyndhurst). The noble and learned Lord concluded by moving the first reading of the Bill, expressing a hope that the Lord Chancellor would take charge of it.

The LORD CHANCELLOR admitted that he had received many acts of favour from his noble and learned Friend, but could not accept the last favour which he had tendered him—namely, that of taking charge of the Bill. His noble and learned Friend had much leisure and great facilities for amending the law, which he (the Lord Chancellor) regretted did not fall to his lot. The new Law of Bankruptcy had been amended every year since it was first passed, and the consequence was that neither the suitors nor the Judges could comprehend it. He should be happy to render his noble and learned Friend every aid in his power in improving the law and judicature of this country; but surely his noble and learned Friend would not expect him to promise to take charge of a Bill of which he knew nothing, and of which he had heard a description in a few words now for the first time. It was not quite fair for his noble and learned Friend to prepare the outlines of a Bill, and then to hand it over to others to discover the details by which it was to be made useful in practice. He hoped that his noble and learned Friend would give his own superintendence to his own Bill, and that it would prove more useful than some Acts of Bankruptcy which had recently been enacted.

LORD BROUGHAM said, his noble and learned Friend thought this Bill was a mere outline; but the Bill had every detail, and was drawn up exactly as he should wish to see it passed, subject to the doubt he had expressed on one provision, and as having been suggested by Lord Lyndhurst. He wished it to be under the care of his noble and learned Friend; but he did not wish him to alter a single line of it, though he should be happy to hear his noble and learned Friend's objections, and thankful for his suggestions. His noble and learned Friend had stated that the bankruptcy law was in such a state that no one could understand it, and that in consequence the Judges were not able to administer justice. No wonder that there were delays in the Court of Chancery. In former times Judges were supposed to be too learned and subtle, and that made them doubt; but now it turned out, from his noble and learned Friend's statement, that there was another cause of delay, namely, the ignorance of the Judges—not the fault of the Judges, God forbid!—but the fault of the Legislature, who passed laws that nobody could understand. The result must be injustice. *Misera servitus ubi jus vagum et incognitum.* Now, he formed one four hundredth part of that House, and, taking the other House, he had only one thousandth, or a twelve hundredth part of the responsibility. His noble and learned Friend said he (Lord Brougham) had introduced a great number of Bills to amend the bankrupt law. He introduced one two years ago which passed their Lordships' House, for the consolidation of the bankrupt law, which was very fully considered, not only by himself, but by a Committee which sat for many weeks, and before which they examined the practitioners of the court, as well as the members of the commercial and trading bodies; so that if they wanted Acts of Parliament that people could understand, he did not know how they could take more pains than they did with that Act. It was very much the worse, as appeared to him, for the alterations made elsewhere; nevertheless, he would fain hope that it was not quite deserving the censure pronounced by his noble and learned Friend, the greatest censure certainly they could pass on a law, namely, that it was unintelligible.

LORD CRANWORTH said, their Lordships could not at present be in a position to form a decided opinion on the subject, because the Bill depended entirely on the details, and it was a waste of time to discuss it until they had examined those details. He quite agreed with his noble and learned Friend, that the subject was one which, though not so exciting as many others which were engaging the attention of the country, was of deep importance. It had not reference to the subject matter alluded to by his noble and learned Friend as having caused great uncertainty in the law, seeing that it was not a Bill, as he understood it, to alter the law of bankruptcy, but to transfer the administration of it from one set of judges to another. The question was how it was best to be done? Was it best done by certain judges, or would it be better done by other judges? The policy of the transfer was rather statistical than judicial, and was to be determined by details in the execution of it, without which it was impossible to decide correctly upon it. There was one observation made by his noble and learned Friend in which he was anxious to express his entire concurrence, and that was as to the benefit which, up to a certain point, the County Courts had been to the country. These courts had existed for five years, and the number of causes tried in them amounted to a million and a half, or at the rate of 300,000 a year. Now, it was very true that before the Act of last Session, there was nothing in the nature of an appeal from these courts to a superior court, and therefore it was impossible to say how far the public was satisfied with the decisions; but though there was no appeal there were certain occasions on which the proceedings might be brought before the superior court, where, for instance, it was alleged they were exceeding their jurisdiction. Certainly his experience led him to say that the occasions on which applications to superior courts were made were exceedingly small, which had led him to the conclusion that these courts were exceedingly satisfactory. With regard to the extension to 50*l.*, there being now an appeal between 20*l.* and 50*l.*, his own belief was that it would be satisfactory. It was stated that there were only two or three appeals, which was certainly a very small number. He believed that one circumstance which had rendered the County Courts so popular was, that in the proceedings in those courts both the parties to a suit might be examined. What difficulties might arise in adopting such an arrangement in the superior courts, it was not for him to discuss on that occasion ; but, unless there were difficulties more formidable than he anticipated, he concurred with his noble Friend in thinking that the question was one which that House would do well to consider ; for he believed the adoption of such a principle, if it could be done safely, would go very far to render the superior courts as popular with the country as the County Courts generally were.

Lord BROUGHAM said, he ought to mention with regard to the Bill for the examination of the parties, that the answers sent by the Judges of the County Courts to the queries put to them on that subject by the Law Amendment Society were all in favour of it, except one. They admitted that a very clever party had an advantage over one less clever, and a knavish party had an advantage over an honest person : this was inevitable, and it applied to a party's witnesses as well as to himself; but, upon the whole, those learned judges were clearly of opinion that the good greatly preponderated over the evil.

Bill read 1ª.

HER MAJESTY'S ANSWER TO THE ADDRESS.

The LORD STEWARD of the HOUSEHOLD (the Marquess of Westminster) said he had the honour to inform their Lordships that Her Majesty had been pleased very graciously to receive the Address of their Lordships' House, and to return this Answer :—

> " My Lords—I thank you for your loyal and dutiful Address.
>
> " I rely with Confidence on your Assistance in maintaining the Rights of My Crown and the Independence of the Nation ; and I shall cordially co-operate with you in Measures calculated to improve and strengthen our Institutions."

LORD MINTO'S MISSION TO THE COURT OF ROME.

Lord STANLEY : I wish to call the attention of the Lord Privy Seal to the answer which he gave last night to a question put to him by the noble Earl opposite (Earl Fitzwilliam). My Lords, the answer which was given to that question was as clear, as distinct, and as explicit, and, I am quite sure, as satisfactory to this House and to the country at large, as an answer possibly could be. I allude, of course, to the inquiry which had been made of the noble Earl with reference to a statement that the noble Earl (the Earl of Minto) had been in some way privy, in the first instance, to an intention on the part of the See of Rome to take those steps which have caused so much and so just and general indignation throughout the country. I understand the noble Earl to say distinctly that he was not in any degree cognisant of or consulted as to the intentions of the See of Rome on that question ; that although he had many repeated confidential communications both with the Pope himself and the Cardinal Secretary of State, the subject was never broached between them; no communication was made to him whatever, no intimation was given that such intention was entertained, and that, in point of fact, he was perfectly at a loss to understand from whence the rumours had originated, to which he gave the most emphatic contradiction, that he was in the slightest degree privy to the intention of the See of Rome. I understand the noble Earl to have said, not that he was ignorant of the quarter whence the rumour proceeded, but that he was at a loss to imagine what possible circumstance on his part could have given any colour to the allegation. But the noble Earl will forgive me for saying he spoke incorrectly when he spoke of this being a report or rumour. It was not, my Lords, a report or rumour, but a statement made apparently in the most authoritative manner, by a person filling a very high situation, and claiming to possess the fullest and amplest means of information. Now, my Lords, I am quite aware that this House has nothing whatever to do with the veracity of the prelate who has been charged by the Pope with the spiritual superintendence, at all events, over the laws, morality, and religion of the Roman Catholics of this country. But, my Lords, on the one hand, while I give credit to the noble Earl, as I am bound in duty, not only to the noble Earl's own personal character, but also because he speaks with all the weight and solemnity which attaches to the declaration of a Peer of Parliament speaking in his

Place in Parliament, a declaration which is invariably assumed to be of the same sanctity and solemnity as a declaration made on oath, on the other hand, it is a most extraordinary fact, that a declaration is made by Cardinal Wiseman in his own name, and in the most formal manner, in direct opposition to the statement made by the noble Earl. I repeat, that I give the amplest credence to the denial of the noble Earl. But, my Lords, it is not only that the Cardinal has made a different statement (if that were all, I should hardly have called your Lordships' attention to the matter), but it is on account of the mode in which, and the quarter to which that statement was made, that I bring the subject under your Lordships' notice. My Lords, I hold in my hand *An Appeal*, as it is called, *to the Reason and Good Feeling of the English People on the Subject of the Catholic Hierarchy, by Cardinal Wiseman;* and in that appeal he states, that he has already alluded to Lord Minto having been shown the brief for the hierarchy, printed about two years ago. "The circumstance," says the Cardinal, "may have escaped his Lordship's memory, or he may not at the time have attended to it, in consequence of bearing more important matter in his mind; but as to the fact that his attention was called to it, and that he made no reply, I have no doubt." Now, my Lords, this statement is made by the Cardinal at the close of the year 1850. It appears, from a passage in his *Appeal*, that in speaking of having already alluded to Lord Minto's having seen the brief, he refers to a letter which he addressed early in the month of November to the noble Lord at the head of the Government, and a near connexion of the noble Earl himself. Cardinal Wiseman states, that on the 3rd of November he wrote as follows to the noble Lord at the head of the Government:—"I take the liberty of stating that the measure now promulgated was not only prepared, but printed, three years ago, and a copy of it was shown to Lord Minto by the Pope on the occasion of an audience given to his Lordship by His Holiness." This statement was made, deeply affecting the character of Her Majesty's Government, and deeply affecting the honour of an individual Member of that Government. A statement was made to the Prime Minister of the Crown, that, not as a rumour, not as an allegation, but as a fact within the knowledge of the writer, not only that the measure had been printed, but also that a copy had been shown to the noble Earl opposite. My Lords, I wish, therefore, to know from Her Majesty's Government, whether, in consequence of that *quasi* official statement made by the Cardinal, any step was taken, on the part of the noble Lord at the head of the Government, to ascertain from his colleague the correctness of the statement so made by the Cardinal—whether that communication having been made, as I presume it was, steps were taken by the noble Lord at the head of the Government, upon the authority of the noble Earl, to disabuse the Cardinal as to the fact, in contradiction of the statement made? My Lords, if no such statement were made, I cannot but say, I think the Government must have been very remiss in permitting such a statement to go forth, without a most formal contradiction, not in the shape of a letter addressed to a private individual, but by a most formal contradiction on the part of the Prime Minister. If any such contradiction were made to the Cardinal, in reply to his letter to the noble Lord at the head of the Government, I must say, that the fact of such contradiction having been suppressed, in this *Appeal*, where the charge is repeated, materially adds to the disingenuousness of the course of proceedings, by the party who holds, at this moment, a very high position, and, of course, attracts a great share of public attention. The noble Earl will, therefore, forgive me for asking whether, on receipt of this letter, any communication was made to him by Lord John Russell? Whether any explicit denial was given to the statement of the Cardinal? And whether, on the part of the Government who were concerned in the matter, that explicit denial was communicated to the Cardinal himself?

The EARL of MINTO was understood to say, that Lord J. Russell had no occasion to apply to him for information with regard to the statement made by Cardinal Wiseman, because, as soon as he (the Earl of Minto) saw that statement, he communicated to the noble Lord that no such information as that referred to had ever been given to him; and he believed that in a letter, written by Lord John Russell, and afterwards published in the newspapers, it was stated distinctly that he (Lord Minto) was neither a party to, nor cognisant of, the measure. If he had been aware of the noble Lord's intention to put any question to him upon the subject of the steps taken by Lord J. Russell, he would have been able to afford information to the House which it was not now in his power to give, as he was quite ignorant of the course pursued by his noble Friend. He might state, however, that before he went to Italy a report had certainly reached him, in common, he had no doubt, with most of their Lordships, that some intention existed at that time on the part of the Pope of conferring upon Dr. Wiseman an archiepiscopal dignity with the style of Westminster. He believed that report at the time, but during his residence in Rome he had reason to suppose that even that intention had been abandoned. With regard to any design whatever of organising a Roman Catholic hierarchy in this country, not one word ever reached him from which he could even suspect that anything of the sort was contemplated. He was very unwilling to say anything that could be supposed to convey the reproach of wilful misrepresentation in any quarter, but he was perfectly at a loss to understand what had given rise to the statement to which the noble Lord opposite had referred. He was quite persuaded, assuming the report to have proceeded from the Pope—which was not he thought a correct assumption—that the Pope must have imagined something to have taken place which certainly did not take place. He had heard it said that on the occasion of some interview which he (the Earl of Minto) had with the Pope, the Pope pointed to a roll of papers upon the table, observing "These concern you," and that he (the Earl of Minto) appeared to take no notice, and made no answer. He had no recollection of any such occurrence; but it was very possible that such a thing might have occurred, and he might have let the matter pass without notice, and not have ascertained to what the papers referred. But, as he had said, he had no recollection whatever of any such occurrence, or of anything which could be understood as having acquainted him with the intentions of the Pope.

LORD STANLEY said, the first part of the statement of the noble Lord was entirely satisfactory. He hoped it would induce the people out of doors to think that it was not really the case that the appointment of Cardinal Wiseman and the other Roman Catholic bishops had been communicated by the Pope to the noble Earl. But still it seemed somewhat strange that when the noble Earl was, on the part of the Government, carrying on a confidential communication with the Pope, and giving him good advice, no doubt, with regard to the management of the affairs of Italy, that the noble Earl should be so wrapt up with this subject as not to give attention to the Pope, when he said, pointing to the papers before him, "Here is a matter that touches your country." He (Lord Stanley) could scarcely think it creditable to the diplomatic ability and industry of the noble Earl to suppose that, when the Pope said, "Here is a matter which touches your country," the noble Earl did not inquire in what respect it touched his country, and that at a time when the noble Earl was interfering in the affairs of Italy. It appeared now that such a communication might have taken place, and that the noble Earl had altogether forgotten it. He (Lord Stanley) hoped, however, for the sake of the noble Earl's diplomatic reputation, nothing of the kind had occurred.

The EARL of MINTO said, this was not an explanation given by him; he had merely referred to a statement made by somebody else, as to something which was supposed to have occurred at an interview between the Pope and himself. He could only say, that he had no knowledge or recollection whatever of anything of the sort. But he would say further, that if the noble Lord was engaged in a discussion on some subject of great interest, and a person were to point to papers and say, "Those concern you," it was not very likely the noble Lord would interrupt the discussion, by asking, "Pray, what have you got that concerns me?" He presumed that, as he (Earl Minto) was in Italy as the *quasi* representative of this country, if there had been an intention to inform him of any contemplated measures, he would not have been told, "Those papers concern you," but that the projected measures would have been distinctly communicated to him. With regard to what took place between Dr. Wiseman and Lord John Russell, if the noble Lord wished it, he would inquire, but he did not believe that Lord John had made any reply to the letter of Dr. Wiseman.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 7, 1851.

MINUTES.] PUBLIC BILL. — 1° Passengers' Act Amendment.

HER MAJESTY'S ANSWER TO THE ADDRESS.

MR. W. S. LASCELLES, COMPTROLLER OF THE HOUSEHOLD, reported Her Majesty's Answer to the Address, as follows:—

"I have received, with much satisfaction, your royal and dutiful Address.

"Your expression of attachment to My Throne is very gratifying to Me, and you may be assured of My determination to maintain the independence and uphold the constitutional liberties of My people."

PRIVATE BUSINESS—COUNSEL TO THE SPEAKER.

MR. W. PATTEN said, it would be in the recollection of the House that a Committee was appointed at the end of last Session to consider the way in which the private business of the House could be conducted, and that it had decided on the abandonment of certain old forms and proceedings which had been found attended with inconvenience, and on the adoption of certain others for the beneficial working of which the superintendence of the Counsel to the Speaker was thought necessary. The duties which the Committee determined to devolve upon that officer were of the greatest possible importance, requiring not only experience but legal knowledge in the gentleman selected to perform them. At that time there was a gentleman connected with the House whom the Committee considered qualified for the discharge of them, and who was accordingly appointed. During the recess the noble Lord at the head of the Government had, for the reasons explained by him to the House on the previous day, thought fit to abolish the office of Counsel to the Speaker, a step which, however advantageous to the public in a pecuniary point of view, he feared might involve the House in considerable difficulties. He proposed now to move for a Committee with a view to consider how they might relieve themselves from those difficulties. There must either be a person appointed as Counsel to the Speaker, or they must resort again to the old forms, already abandoned, for the sake of procuring order and regularity in their proceedings. Having been chairman of the Committee to which he alluded, he was not aware, and he believed the Committee were not aware, that it had been recommended under any circumstances to abolish the office in question, and he thought the noble Lord was in error in referring to the recommendation of the Committee presided over by the right hon. Member for Northampton. That Committee only recommended that when the office should become vacant, the appointment of Counsel to the Speaker should be reconsidered. He would merely express his own opinion, that that office was one of very great importance, and his hope that if it were not to be continued, they might find some other means equally effective of conducting the private business of the House. He would move for a Select Committee, "to consider the mode in which the duties heretofore attached to the office of Counsel to the Speaker, with regard to the private business, shall be performed; and to propose such regulations respecting private business generally as they may think fit."

MR. V. SMITH said, the recommendation of the Committee of 1848 was, that upon a vacancy, either of the Counsel to the Speaker or of the Clerk of the House, the question of the appointment of Counsel to the Speaker should be reconsidered. If he might be allowed by the Committee to speak what he supposed their meaning was, it was that upon the appointment of a new Clerk of the House, some gentleman should be selected who would be capable, and willing also, to perform the offices of Counsel to the Speaker as well as of Clerk to the House. If this Committee were appointed, he hoped they would have to consider also whether there should be some sort of combined tribunal of Lords and Commons for the transaction of private business. The House of Lords had appointed a new Chairman of Committees, and he sincerely hoped that, whatever the abilities of the noble Lord who had just quitted that office might be, the new Chairman would not possess the very extraordinary and anomalous power, in the conduct of private business, which appeared to have been vested in Lord Shaftesbury. Every one must recollect that when any clause was proposed in a Committee of the House of Commons, some clerk behind was sure to whisper, "You had better not put that in, for Lord Shaftesbury will throw it out."

MR. LABOUCHERE understood the recommendation of the Committee to have been, that, when a vacancy took place, the appointment should be reconsidered, with a view to see whether a saving of public money could not be effected. When the vacancy in the office of Clerk occurred, his noble Friend had no doubt felt, as he (Mr. Labouchere) should have done, that that House could no more meet without a Clerk at the table than without a Speaker in the chair, and that it was impossible not to take measures immediately for filling the office of Clerk to the House. Nothing could exceed the public-spirited manner in which Mr. Booth, the Counsel to the Speaker, behaved on this occasion. Though the place of Secretary to the Board of Trade could not be considered more acceptable than that which he already held, he felt so uneasy at holding a situation which might be considered a sinecure, after the opinion expressed by the Committee of the House of Commons, that he placed himself entirely at the disposal of the Government, and was quite ready to have taken an office of inferior pay, though of greater labour, rather than have stood in the way of any necessary reform. He entirely approved of the Motion, and was only anxious that the whole subject should be reconsidered, with reference as well to economy as to the efficient discharge of the private business of the House.

Motion agreed to.

ECCLESIASTICAL SINECURES, &c.

Sir B. HALL stated that, during last Session, he had alluded to an appointment made by the Archbishop of Canterbury to the reversion of a sinecure in the Prerogative Court worth 10,000*l.* a year; and he had also made allusion to the circumstance of another dignitary having appointed a child six years old to a similar office. He wished to know whether it was the intention of the Government during the present Session to introduce a measure to remedy these abuses, and, generally, the abuses which existed in the ecclesiastical courts? He wished, also, to know, whether it was intended to bring in a Bill for the purpose of dividing populous parishes into ecclesiastical districts?

Sir G. GREY replied, that it was the intention of the Government to bring in a Bill with respect to the first part of the subject to which the hon. Member referred. With respect to the ecclesiastical courts generally, that was a subject which had been very much considered; communications had taken place with ecclesiastical lawyers on the subject; but he could not pledge himself to bring in a Bill, unless he could assure the House that he should be able to introduce it in sufficient time to permit its discussion. With respect to the division of populous parishes, the Government did intend to propose a Bill.

PAPAL AGGRESSION—ECCLESIASTICAL TITLES.

Lord J. RUSSELL:* Sir, the House, I am sure, will readily believe the anxiety with which I approach the important subject which I promised to bring under their notice. The deep interest which is felt in this county by all classes of persons, the numerous petitions that have been presented to this House, praying the House to resist encroachment on the part of a foreign Sovereign, the addresses presented to the Crown, all make it a matter of deep responsibility to undertake the task of bringing such a question before the House. That anxiety is not diminished, but increased, by the indications that were given the other evening of the disposition of a great portion of the House. One hon. Gentleman, the Member for Sheffield, who spoke on that occasion, warned me not to take a retrograde step. Another hon. Gentleman, the Member for Buckinghamshire, warned me, on the other side, not to introduce anything less than a complete code regulating all the relations which might occur between the Court of Rome and Her Majesty's subjects in the united kingdom. With respect to the first of those observations—that I should not take a retrograde step—my answer to my adviser is, that the only retrograde step I propose to take is that natural action of a man who finds that a blow is aimed at his head, and who steps backward to raise his arm, and put himself in a posture of defence. With respect to the other observation, I shall now enter into a consideration of the reasons why I differ from the hon. Member who made it; but in the course of the statement I have to make I shall address those remarks to the House which appear to me to belong to the subject, and state those motives which have induced the Government not to pursue the course which is the one he has suggested as the most proper.

In bringing this subject before the House, I beg the House to recollect some circumstances that occurred at a very recent period. In the course of last year, the nomination of an Archbishop in Ireland by the Roman See was made in an unusual manner. It was generally understood, and has never been contradicted, that those who usually elect to the office of Archbishop on the part of the Roman Catholics in Ireland had sent three names to Rome, but that instead of any one of those learned ecclesiastics being chosen who had been proposed for that office, a clergyman who had been long resident at Rome, who was more conversant with the habits and opinions of Rome than with the state and circumstances of Ireland, was named by the Pope to assume the office of Archbishop in Ireland. No sooner did that ecclesiastic arrive than he showed very clearly that it was not his intention to follow the usual practice that had been observed by Archbishop Murray and others, of putting themselves into communication, in relation to any matters necessary to be transacted between them, with the Irish Government. Presently we found that a Synod had been called at Thurles, which soon after assembled. It was stated that at that Synod a question was raised whether or not an address should be issued to the people of Ireland, and that that Motion was carried by a majority of 13 to 12, being a majority consisting of that very person who had been sent over from Rome, whose views were foreign to the state of Ireland, and who prompted that determination. An address was accordingly issued.

Well, if that address had been confined to matters of the internal discipline of the Roman Catholic religion—if it had been shown that, with respect to matters of internal discipline, there was a variety of practice in different parts of Ireland, and that the Synod had met for the purpose of regulating those matters, however unusual, and entirely without precedent the assembling of a Synod might be—for no such meeting had taken place since the time of the Revolution—I could have understood its object. But a great portion of that address was taken up with two subjects. The one was the danger of the system of education in the colleges established by the Queen in conformity with an Act of Parliament. It stated that, however good the intentions of the Legislature might be, those colleges were established in ignorance of the inflexible nature of the Roman Catholic Church; and it pointed out that they could not but be attended with danger to the faith and morals of those who were of that Church. Another part of that address was taken up with descriptions of the state of that part of the poorer portion of the Irish peasantry who had been evicted. And I must say that no language was omitted which could excite the feelings of that peasant class against those who were owners of land, and who had enforced the process of the law against their tenants.

I am not going, at the present time, to enter into any defence of the Queen's Colleges in Ireland; nor am I about to discuss the question whether the Irish landlords have acted with discretion and humanity in the use of their legal rights; but I point this out to the House as a most important circumstance, that on the question of education, that on questions of the occupancy of land, the Synod, which consisted entirely of Roman Catholic ecclesiatics, from which all laymen were excluded, thought it proper on this, their first meeting, to hold forth to the Irish people and tell them what should be their duty and conduct on those two subjects. I must ask the hon. Member for Sheffield whether this is a matter of entirely spiritual concern? Whether this House and the Government of the country can be entirely indifferent, when they see that an archbishop has been thus named, purposely of course instructed, and aware of the intentions at Rome, and that the first proceeding he carries into effect is to hold forth to odium an Act of Parliament passed by this country for the purpose of educating the people of Ireland, of giving better instruction to the higher and middle classes; while likewise exciting to hatred of the owners of land a great portion of the population of that kingdom? This, I think, is an instance at all events, that we have not to deal with purely spiritual concerns; that that interference, which is so well known in all modern history of clerical bodies, with the temporal and civil concerns of the State, has been attempted, not as a system, but as a beginning—as a beginning, no doubt, to be matured into other measures, and to be exerted on some future occasion with more potent results.

If there is one part of this transaction which merits remark, as it may have excited attention—and I own it excited mine—it is the signature to the published address of the Synod of Thurles. In a copy I received of that address, it was stated to be published "by authority," and purported to be signed at the end, "Paul, Archbishop of Armagh, Primate of Ireland." I received from the Lord Lieutenant of Ireland a communication stating that his attention had likewise been drawn to that circumstance; that he had consulted those who were best qualified to assist him in the construction of the law; and that they had informed him that, although if the Roman Catholic Archbishop had assumed the title of Archbishop of Armagh in any document of which they were in possession, they could then apply the law to the case, yet the appearance in print of that name would then be evidence in a court of law, and that they were not likely to obtain from the printer any evidence—even should such be the fact—that Dr. Cullen had signed that document. They thought it probable that he had not signed it, but that his name had been affixed to it.

Now, having stated that occurrence, I shall refer to some other occurrences which took place about the same time, not in this country, but on the continent of Europe. One was a circumstance which took place in the kingdom of Sardinia. Until very lately a law had been in force in Piedmont, which had not been for many years the usual law of most of the States of Europe. It was, that ecclesiastics should only be amenable to the ecclesiastical tribunals, and that certain places should possess what was called the right of asylum. It appears that the Sardinian Government and the Sardinian Parliament assembled at Turin, changed the law in these respects, and made it similar to that which prevailed in other parts of Europe. They declared that, with regard to all temporal matters, clergymen should be tried before the temporal and civil tribunals of the land, and that the right of asylum should be taken away. One of the Ministers, who was a party to making that law, was soon afterwards taken dangerously ill, and when he required the sacrament, and made his confession, he was asked whether he would repent of the consent which he had given to the new law which had been passed? Instead of doing so, he made a declaration, which was not satisfactory to the Archbishop of Turin; and the consequence was that he died without receiving the sacrament of the Church, as a person who was without the pale of the Church. That was an instance of the interference of spiritual power and spiritual, censure for the purpose of controlling, of directing, and of terrifying a Minister of the Crown and a Member of Parliament, on account of his conduct as a Minister and a Member of the Parliament to which he belonged.

Now, I beg the House to observe these things, because they are not altogether foreign to us. They may not be intended here this year or next year; but we are told in the writing to which I have alluded, that the doctrines of the Court of Rome are inflexible—that their maxims are unchangeable. They may not think it expedient to introduce such a practice into this country now; but they retain in their hands the power of applying to secular purposes those maxims—those censures—those most formidable and awful spiritual powers which they possess.

Lord J. Russell

About the same time, or it may be a little after, there appeared a rescript from Rome in Belgium, with respect to the conduct of the Government of that country. Now, the Government of Belgium, from the commencement of its independence, had taken a course more favourable to the independence of the Roman Catholic Church than any other country in Europe had done, for it had allowed the Roman Catholic ecclesiastical body to enjoy all their endowments, while at the same time the civil Government was entirely without any power of interference with the nomination or conduct of bishops and beneficed clergymen.

But it was found, with regard to the civil education which the State had provided, that that education had dropped very much into the hands of the bishops of the Church of Rome; and the Belgian Chambers, consisting in great part of Roman Catholics, anxious for the interests of the State, took means to provide for security of education in Belgium. The step they took was impugned by the head of the Church of Rome. A document, disapproving it, was published, and it was generally believed that that document was circulated at the time it was that it might exert an influence over the elections, and thereby induce the Belgian Chambers to alter their decision. However, it was not much regarded, and when the Minister was questioned on the subject he produced a despatch in which he had desired the Belgian Minister to inform the Secretary of State at Rome that the Pope had been entirely misinformed—that the facts were not as had been represented to him—and that no course had been taken by the Government which was opposed to the interests of the Church of Rome. The subject provoked a good deal of discussion, but a great majority approved of the conduct of the Belgian Government in the matter.

Then came the proceedings more immediately connected with this country. At the end of September letters-apostolic were issued, declaring that Rome had altered the ecclesiastical arrangement that had prevailed in this country, altering it from the arrangement of vicars-apostolic, and proposing to establish an archbishop and bishops, among whom the country was to be divided. I shall hereafter state the view which I take of that document. What I wish to say now is, that that change was made entirely without the consent—I may say entirely without the knowledge—of the Government of this country. Sir, the hon. Member for Sheffield referred the other day to some remark of mine upon this subject—I may therefore remind the House of a statement that, in 1848, in the course of discussion, I made in answer to some observation or question of my hon. Friend the Member for the University of Oxford, namely, that I did not know that the Pope intended to create an archbishop or bishops in this country, that I had not given my consent to such an arrangement, and that, on the contrary, I should not give my consent to the appointment of any such archbishop or bishops in England. I had indeed been told some time before by a private individual of the Roman Catholic persuasion, that he believed there was such a project, and he asked me if I should approve of it. I said, in reply, that I should not approve of it. I said nothing more. I certainly concluded, weakly it may be, that the Government of Rome being a friendly Government, not being in hostility to this country, would never think it possible to create archbishops and bishops in this country, and to divide it into dioceses, without communicating at least the project to the Government of England. I did not believe that it could be intended so to insult the Queen. I may have been like the foolish Italian shepherd, who said—

> "Urbem, quam dicunt Romam, Melibœe, putavi,
> Stultus ego huic nostræ similem :"—

I may have thought most trustingly and imprudently that the Court of Rome would observe such relations—such discretion—such courtesy in her conduct with the State of England, as all other States that are friendly observe towards each other, and as she herself has observed towards every other State in Europe. I know that in some letters of Dr. Wiseman, it has in some way, if not directly stated, been insinuated that Lord Minto, when at Rome, gave some kind of sanction or consent to the project of Rome. Lord Minto has himself given a positive denial to that statement. We have heard the story, to be sure, that at an interview with which he was honoured at the Court of Rome, the Pope, pointing to a table in the room, observed, "There is something there that regards you;" but that Lord Minto did not look at the paper, or make any observation whatever on the subject. Lord Minto himself says he does not recollect the circumstance, and it is one which he may well have forgotten, supposing it had even taken place. But, even if the story be true, it is surely a most astonishing inference to draw from the circumstance that there happened to be a paper lying on a table, which paper was never read by the Minister of England, that he had given his consent to the aggression which has been made upon this country. Be it observed, that supposing the story had been told with complete accuracy, it is not alleged that the Secretary of State, or the Pope, or any other person, said, "Here is a paper that we would wish you to take and peruse, and submit to your Government." If anything was said at all, it was only "That is a project that concerns you."

Now, having stated this with regard to the measure that has been introduced to this country, I think it is expedient, before I proceed further, to state what has been the conduct of the different Powers of Europe, and what has been the conduct of our own country, with respect to measures of this kind which have been attempted to be imposed upon them by the Pope of Rome. And let me first say, that I conceive it is of the nature of all ecclesiastical bodies to attempt to trench on temporal matters. I have myself resisted with regard to Protestants in this country, and with regard to the Church of England herself, measures and proposals which I thought tended to give undue power to ecclesiastics with respect to the temporal affairs of the State. But, if this is true of any ecclesiastical body, it is more especially true of the Church of Rome. I conceive it to be true for two principal reasons, among others—the one, that the allowed infallibility of the Roman Catholic church with respect to matters of spiritual doctrine gives her an influence and a power over the minds of those who belong to that communion greater than that possessed by any other churches. But, in the next place, Rome has a traditionary influence and power—a power asserted by her in the middle ages, when she often was manifesting it, perhaps in favour of civilisation or learning, or perhaps, again, when she was aiming by her ambition to obtain that supremacy over kings and over States which made them entirely subject to her will. Sir, this power was asserted in the most arrogant manner by Boniface VIII., when he told Philip the Fair, of France, "It is fit you should know that you are subject to us in temporal as well in spiritual things." Now, the country that has had most to contest this power of the Roman Catholic Church, the country which I should say had most successfully contested it—but at the same time amid repeated dangers—is that very country of France.

I had lately occasion to read that most able treatise upon the subject of what is called the liberties of the Gallican Church, or more properly, as the author most justly states, the liberties of the Gallican State in respect of the Church, written by M. Dupin, the President of the Legislative Assembly of France. Long before he held that post, or any public post whatever, he was distinguished for his great logical power and his great legal learning, and was regarded as an authority in all matters to which his attention had been given, or his studies directed. At the beginning of his work upon the liberties of the Gallican Church, he makes an observation to the effect, that though Rome has for the present relaxed many of her pretensions, she never entirely loses sight of them; that she is a Power which has forgotten nothing, and learned much; that she is a Power which has neither infancy nor widowhood; hence she can struggle with temporal States at all times with means of which those temporal States often are not possessed; that therefore it requires the utmost vigilance and the utmost attention to watch against the aggressions of the Church of Rome, and to preserve the temporal liberties of any country with which she is connected. He makes another observation, which I think may be of some use to the hon. Member for Sheffield. He says that philosophy (which in this instance he thinks too presumptuous) is of opinion that there is no need of particular laws or of a study of jurisprudence on this subject—that her influence is quite sufficient to encounter any dangers to which a country may be exposed from Rome; but he goes on to say that it is quite evident that philosophers deceive themselves in this; that, though their arguments are irresistible with philosophers, yet, that the great mass of men, whether from religious convictions, whether from habit, or whether from regard to appearances in the world, are governed by religious belief, and do not attend to the opinions and arguments of philosophers.

After this introduction, Dupin states, in a very small book containing an immense quantity of learning on the subject, what the assertion of the liberties of France has been in its contest with Rome. Some of the cases which, in connection with France, I shall mention, as well as those relating to other States, have reference entirely to the appointment to bishoprics, or other ecclesiastical offices, which were endowed, or which received salaries or emoluments from the State. I may observe, on this subject, that Mr. Bowyer dismissess all these points, and all those which refer to the time before the Reformation, as not applicable to the present state of matters. This, however, is far from being generally true. But, even supposing that they do not refer to the present state of things, there are still maxims established in law by the *dictá* of the great judges of France, well worthy of attention. One of these is, that no document of the Pope can be received in France without the *placet*, that is, the consent or direction of the sovereign. This applies not only to questions relative to appointment to ecclesiastical benefices and bishoprics, but it applies generally to anything that may be ordered by the See of Rome.

There is another maxim, likewise, of great importance. In order to preserve the entire temporal independence of the kings of France, it was laid down that, if any person should introduce any bull or instrument inflicting spiritual excommunication or censure upon any person in the service of the kings of France, for things done in the service of the kings of France, all his goods and property should be forfeited to the Crown. This was a very important and striking power, but it was one rendered necessary by the assumptions of Rome in France; for it is argued justly by Dupin, that if the king had all his ministers and officers struck by excommunication, he would have been made powerless, and his orders would have had no effect whatever. It was likewise held, that in respect of many spiritual matters, the decrees of the Pope should not be received unless confirmed by a general council. Such were the maxims, and such the laws of France under the monarchy; and the powers that were exercised by the kings of France under the monarchy were exercised by Louis IX., a saint in the Roman Catholic Church, by Henry IV., and by Louis XIV., as fully as in the other reigns, and in subsequent times.

But there is a circumstance which I think is worthy of mention, because it answers the argument that, with respect to what is once done there can be no change or alteration made by Rome. According to the concordat made by Napoleon at the commencement of the century, the limit of a diocese was ordered by the civil government in conjunction with the Pope; and those who under former settlements were lawfully, according to Rome, archbishops and bishops of the Roman Catholic Church in France, were entirely deprived of the rights which they possessed. Another circumstance of importance occurs to my mind on this point. In 1817, the king of France determined that he would not have his country bound by the concordat made by what he considered an usurped power—the Consul of the French Republic—and he proposed to make another concordat, to which he obtained the consent of the Pope; but when that concordat came to be considered in France, it was found that the Assembly was so averse to it, that the King asked the Pope that it should be dropped, as not having taken place. The consequence was, that the new concordat remained a dead letter, and the former concordat was still the law, and acted upon in France. Now, do not tell me after this that the Papal Power cannot retrace its steps; that what is done by Rome must remain for ever unaltered.

I go, next, to what was, I am sorry to say was, the law of Austria—that great Roman Catholic Power. The laws which were made by the Emperor Joseph were of the most stringent description with respect to the introduction of Papal bulls and Papal appointments and censures. He declared that the civil power was supreme and sovereign, that nothing ecclesiastical could be attempted without the *placet* of the Emperor, and that no appointment could be made that had not his confirmation; that no intercourse could take place between the bishops of Austria and the Pope without the knowledge and sanction of the ruling powers; and that every document which proposed to inflict spiritual censures and excommunication should be submitted to a mixed body of clergy and laity, and should not be valid without their concurrence. This shows, then, with regard to another great Roman Catholic Power, what has been the jealousy, what have been the results of experience, with regard to the encroachments of the Church of Rome.

Having stated the course pursued by these two great Roman Catholic Powers, I will not go into detail regarding any of the others, but state generally that there is no Roman Catholic Power, so far as we have been able to ascertain, who would permit any bull to be brought into the country without the previous sanction of the civil authority. I am bound to state, however, with respect to Austria, that the Emperor has, during the year 1850, made a new constitution in respect of the clergy, and has permitted them to hold intercourse with the See of Rome in ecclesiastical matters. I have stated the course of great Powers; I may as well state that as regards Portugal, one of the smallest, our Minister there was informed by the Portuguese Minister, that they would permit no bull to be sent into that country which had not previously been submitted to the Government, and thoroughly considered.

We have inquired also with respect to the Protestant countries of Europe what their policy is in this matter; and we have been informed that in Prussia—the greatest of these Powers, though, with reference to her Catholic population, she acts by agreement with the Pope in the appointment of bishops and clergy—yet, when it was proposed at Rome that a bishop of Magdeburgh should be created in Prussia, that country immediately referred to the articles of the Treaty of Westphalia, and refused her consent to the introduction of such a bishopric. There was an agreement made twenty years ago between the King of the Netherlands with respect to the appointment of bishops in some cases in Holland by means of a concordat; but the measure excited so much indignation in Holland, that it has never been carried into effect.

From what I have said, the inference may be drawn, that there is no country in Europe, however great or however small—no country which values its own independence—upon which the Pope would have attempted to pass this insult which he has offered to the kingdom of England. In some instances the matter is regulated by treaty between the two Powers; in other instances it has been proposed to introduce bishops into Protestant countries; and, when it has been refused, the Court of Rome has at once desisted from its intention.

I come now to consider what is the character of the insult that has been offered to this country. The document by which the recent change was proposed to be effected was purposely issued without the smallest reference to the united kingdom being an independent State. It is not made a question, from the beginning to the end, whether there can be any power existing in this country the consent of which ought to be asked, or whose lawful power ought to be respected. An Archbishop is pretended to be appointed to this metropolitan city, where the Queen holds Her Court, and where she meets Her Parliament. Then, other sees are pretended to be created in various parts of the country which are now under the established bishops of the Church of England. The document issued with reference to his appointment by Dr. Wiseman declares at once, "We govern, and shall continue to govern, the counties of Middlesex, Hertford, and Essex." And, in the case of five other counties, the same pretensions were set forth.

Now, Sir, I cannot see in these words anything but an assumption of territorial sovereignty. It is not a direction that certain persons should govern those who belong to the Roman Catholic communion situated within a certain district, and that over them alone they were to exercise their spiritual functions. Those English counties are territories subject to the Queen's dominion; and the only excuse that is offered for the assumption of Rome, is, that there are certain forms belonging to all documents, and that it is according to the forms of the Church of Rome that the assumption of dominion over Middlesex, Hertford, and Essex belongs to the agent who has been sent there. That may be. I do not deny their knowledge of their own forms; but there is another form with which I have been acquainted. It is, "Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen." That form appears to me totally inconsistent with the other. Take which of them you like. Say that the Pope is to be Sovereign in this country, and that any person he chooses to send is to govern the English counties, and that Royalty is bound to pay obedience to the orders of the Court of Rome. That is one course. But I cannot conceive that any person who is bound in loyalty to Queen Victoria can admit that any authority but her own can govern those counties. ["Hear!"] Well, then, I know not what those Gentlemen mean; but if they mean to say that this is an authority merely assumed, and that it cannot be enforced, I certainly know that perfectly well. I owe very little gratitude or thanks to those who do not attempt to enforce that authority, because I know it is impossible. It is enough for me that here is the assumption of a power.

If a person had come during the time that the Pretender resided at Rome, and said, "I have been named Lord Lieutenant of Middlesex by James Stuart, and claim to govern the county of Middlesex by virtue of that authority," I know perfectly well that the King of England's Lord Lieutenant would have held his authority unscathed, and that he, and he alone, would have been obeyed: still I should have said that that was an unwarrantable assumption, and one that justly subjected the person so assuming it to any penalty which he might thereby have incurred.

I must now refer for a few minutes to that which has been done in former times in this very country—and that in Roman Catholic times—with respect to the power of the Pope of Rome. I find that, in those times, our Roman Catholic ancestors were as jealous as we can be in these days of the encroaching power of the Pope. I find, even in the days of William the Conqueror, that the Sovereign would not allow any sentence of excommunication to be proceeeded with in this country without his authority. I find that, in the time of Edward I. a person who had procured an excommunication against another person was proceeded against in the King's courts, that the judges declared that his procuring that excommunication without the assent of the King was no less than high treason; and that it was only on the supplication of his councillors that the King refrained from having that sentence executed.

Now, those persons who were thus concerned in carrying on that trial, and in condemning that person, were no Protestants, or men distrustful of the Roman Catholic faith, or in any way opposed to the Roman Catholic tenets. On the contrary, they were all strict adherents of the Roman Catholic faith; but, nevertheless, they would not allow any usurped power to come into England. So, likewise, in the time of Edward III., a petition was presented to the Crown to prevent any letters, bulls, process, reservations, instruments, or any other things whatsoever, being received in this country from Rome, to the prejudice of the King and of his people. Now, be it observed, this is not, as Mr. Bowyer says, entirely confined to endowments which were then protected by the State, but it refers to all those relations between man and man with which the spiritual power of Rome was in the habit of interfering; and it was for the purpose of controlling that power, that our Catholic ancestors thought it necessary to take measures to guard against the See of Rome. The statutes upon that subject are well known and have been frequently quoted, more especially the statutes of "Provisos" and the statute of *Præmunire*, which was passed in the reign of Richard II. I shall not trouble the House by stating the particular nature of those measures. I merely refer to the subject to show that in those times there was a very constant, vigilant, and I believe very wise, jealousy, entertained with respect to the power of Rome.

I will now proceed to the consideration of the course which the Government took upon being made aware of the publication of these letters-apostolic, and to state the nature of the measure which I propose to introduce. The first step the Government took upon having their attention drawn to these letters was to ask the law officers of the Crown whether they came under any known law, and what, in their opinion, would be the effect of a prosecution against those who had introduced those letters into this country? The opinion which was given by the law officers to the Government was to the effect (without quoting the words) that with regard to the assumption of the particular titles assumed, and and with reference to the present state of the law and the existing statutes, they did not think that either by the common law, or the statute law, that assumption of those titles was illegal, or that those persons who assumed them could be prosecuted with effect. But, with respect to a further question, they said that the introduction of letters-apostolic into this country was, in their opinion, an offence; an offence which could be prosecuted; that, in their opinion, the Judges would declare that the introduction of those letters-apostolic was unlawful, and was subject to a penalty; but they said (going beyond the mere law of the case), that the statutes which prohibited the introduction of any bull or writings from Rome had not been for a very long period of time put in force; and that, if the Government proposed to prosecute the offence of the introduction of bulls, writings, or letters from Rome, they thought that the fact of the long disuse of any prosecution for such an offence would probably cause such a prosecution to fail.

I think that the House will agree that, with such an opinion before us, it was not advisable for the Government to desire the law officers to institute a prosecution, by which the authority of the Government might be greatly weakened, and no useful effect be produced. But I will say, further, that on this, the first occasion when we thought we had reason to complain of the introduction of documents of this description, I should with very great reluctance have ordered the prosecution of that which had been so long done, and which had been practised without let or hindrance, and apparently with the tacit consent of the Government of this country. There is a passage which no doubt is not strict law, but which appears to me to be sound morality on this subject, which I have met with in the writings of Jeremy Taylor, who observes—

> "As long as the law is obligatory, so long our obedience is due, and he that begins a contrary custom, without reason, sins; but he that breaks the law when the custom is entered and fixed is excused, because it is supposed the legislative power consents when, by not punishing, it suffers disobedience to grow to a custom."

I think that sentence in a great degree applicable to the custom I have mentioned. But there is a further difficulty; and I wish to state to the House the whole of the difficulties upon the subject with regard to the statutes for preventing bulls or writings being introduced into this country. No doubt that, according to the statute of Richard II., in certain cases the introduction of bulls, and the assumption of power by virtue of such bulls, would be a very great offence, and would subject the offenders to the loss of their property. That was decided in the case of Lalor, in the time of James I. Lalor having obtained writings from Rome, as vicar-apostolic in Ireland, was desirous of exercising, and did exercise, jurisdiction in various cases by virtue of the power given to him by those writings. He was prosecuted and convicted.

There is likewise a statutory prohibition, which was passed in the 13th of Elizabeth, and which states the law as it now stands with respect to the introduction of writings from Rome. In the year 1846, that part of the statute of the 13th of Elizabeth which attached the punishment of treason to any offence of that nature was taken away; but it was declared that in taking away the penalty there was nothing in that relaxation of the law which should render it lawful to introduce such bulls or such writings. We might, therefore, have prosecuted, but with the prospect of such an issue as I have stated, under the statute to which I have just referred. But then a further question arises—if these statutes had, to a certain degree, fallen into disuse, would it or would it not be advisable to make a new enactment upon the subject with regard to the introduction of writings from Rome? Now, this an important part of that great subject to which the hon. Member for Buckinghamshire (Mr. D'Israeli) referred the other night. It appears to me, that if you alter the law you should do so in one of two ways. First, you might make a law containing a general prohibition, such as is contained in the statute of Edward III., and such as exists in the laws of some countries in Europe, enacting that no bull or writing should be introduced that was prejudicial to the King or to the welfare of his people; but the adoption of such a course would, I think, leave the law exceedingly vague, and it would always be doubtful whether or not any particular bull or writing fell within that particular prohibition. Or you might adopt another course—and one which I believe has been very generally adopted by countries on the continent of Europe—it is that of declaring that every bull and every writing coming from Rome should be subjected to some civil authority, and should not have currency, or be allowed to be of force, without the sanction of such authority, or without the omission of any objection to it.

Now, Sir, I do not say that there is any such paramount objection as should prevent the Legislature from adopting a measure of that kind; but, at the same time, I cannot but conceive that there might be many grievances attending it. It cannot be denied that the local discipline of the Roman Catholic Church, and its internal concerns, cannot be regulated without the introduction of a certain class of bulls, of dispensations, and writings from Rome. Again, there are writings of a description which some persons may consider would be dangerous to the State, and be an undue interference with the temporal concerns of the people, but which others might consider (although not for a moment friendly to their introduction) to come entirely within the scope of the free exercise of religious communication between the head of the Roman Catholic Church and those belonging to that community. I cannot but think, that if any discretion were lodged in the office of the Secretary of State, or in the hands of a board, upon this subject, we should bring into very frequent discussion the propriety of allowing papers from the Church of Rome to be published. In many instances it would, no doubt, be thought that the Secretary of State had dealt unfairly and harshly by the Roman Catholic body; while, in other instances, it would be said that he had allowed writings prejudicial to the State to be published. Now, in this free country, and in this free Parliament, these and other questions would become matters of debate and party dispute. It would, in my opinion, be a very great evil to introduce such additional and irritating topics into our Parliamentary discussions. Therefore, Sir, after much deliberation on this subject, and after a very anxious discussion with a view to come to the best decision that could be formed upon this subject, we have thought it best neither to propose the repeal of the statute which I have mentioned, nor to propose either of such substitutes as those to which I have alluded.

In the present state of affairs, with the great uncertainty which still prevails as to what was the intention of the measure that has been taken by Rome, whether it is the prelude to further measures, or whether it is merely a blunder, committed on the sudden, which will be retracted or amended—in this state of uncertainty I think it far better on the one side not to relax any power which you can now maintain by law, and on the other not to propose any substitute which would of itself be the cause of further debate. I come, then, to the immediate question of the assumption of titles, and I think it is useful upon this subject to refer to that which was declared as the reason of a clause which is now contained in the Roman Catholic Relief Act. Sir R. Peel, in introducing that great measure, spoke to the following effect:—

> "A practice has occasionally, of late, prevailed, in Ireland, which is calculated to afford great, and I may add just, offence to Protestants—I allude to the practice of claiming and assuming, on the part of the Roman Catholic prelates, the names and titles of dignities belonging to the Church of England. I propose that the episcopal titles and names made use of in the Church of England shall not be assumed by bishops of the Roman Catholic Church. Bishops I call them, for bishops they are, and have, among other privileges, a right to exercise the power of ordination, which is perfectly valid, and is even recognised by our own Church; but I maintain it is not seemly or decorous for them to use the styles and titles that properly belong to prelates of the Established Church, much less publicly and ostentatiously

to assume them, as of late. This will be prevented in future."

Accordingly, that provision was inserted in the Act, and I find that in the following year there was a pastoral address from the Roman Catholic archbishops and bishops te the clergy and laity belonging to their community throughout Ireland. This address spoke in very warm terms of the kindness which the Legislature had shown in passing that Act. It is worth while at the present time, when the language which has been used by Archbishop Cullen is not quite so respectful to the Legislature and to the Sovereign of this country, to recall a little to mind what was the universal sentiment of twenty-six archbishops and bishops of the Roman Catholic Church in the year 1830. After saying that "the storm which almost wrecked the country has subsided, whilst social order, with peace and justice in her train, prepares to establish her sway in this long-distracted country;" they go on to say—

> "And is not the King, beloved brethren, whom by the law of God we are bound to honour, entitled now to all the honour, and all the obedience, and all the gratitude you can bestow? And do not his Ministers merit from you a confidence commensurate with the labours and the zeal expended by them on your behalf? And that Legislature which raised you up from your prostrate condition, and gave to you, without reserve, all the privileges you desired—is not that Legislature entitled to your reverence and love? We confide that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and Government of our most gracious Sovereign, will be manifested in your entire conduct."

I think it would be well for Archbishop Cullen and Archbishop M'Hale to refer to what were the sentiments then expressed by their predecessors, the Catholic archbishops and bishops of Ireland, what was the loyalty they expressed to the Crown, and what was the attachment they expressed to the constitution; and to consider whether such conduct is not worthy of imitation. True, they do not pass without notice the clause to which I have alluded, but they refer to it in this manner:—

> "We rejoice at the result, regardless of those provisions in the great measure of relief which injuriously affect ourselves, and not only us but those religious orders which the Church of God, even from the apostolic times, has nurtured and cherished in her bosom. These provisions, however, which were, as we hope and believe, a sacrifice required, not by reason or policy, but by prejudices holding captive the minds of even honest men, did not prevent us from rejoicing at the good which was effected for our country."

They did not, therefore, while referring to those provisions, ask for their repeal, or do anything more than give expression to a passing regret that such a clause should have been introduced. It seems to me, therefore, if such were the provisions of the Relief Act, if those provisions were passed without objection on the part of Roman Catholics themselves, if they were received with submission and obedience by the Roman Catholic bishops in Ireland, that we certainly should be fully justified in proposing provisions of a similar nature with regard to the recent assumption of titles in this country.

For I consider, that, whether the assumption be that of the title of the Archbishop of Canterbury, with the jurisdiction and authority possessed over every part of the archdiocese of Canterbury, or whether it be that of Archbishop of Westminster, with a new diocese carved out of that which is under its present Protestant bishop, is immaterial to the question:—that it is an assumption of supremacy and of sovereignty which ought not to have been authorised by the Pope of Rome cannot be denied.

But there are other questions which are closely and immediately connected with the assumption of these titles. It is believed, and I think not without foundation, that one reason for the change from vicars-apostolic, under which titles the Roman Catholics have enjoyed the free exercise of their religion, and with which for 200 years they have been satisfied; and, to make them bishops with a new division of the country, is not merely to place them in the same degree with the Protestant bishops, but it is also for the purpose of enabling them to exercise, by the authority of those names, a greater control over all the endowments which are in the hands of certain Roman Catholics as trustees in this country. I don't think it would be fitting that we should allow that control to be exercised by virtue of any of those titles which we propose to prohibit.

If, therefore, the House should give me leave to bring in a Bill upon this subject, I propose to introduce a clause which shall enact that all gifts to persons under those titles shall be null and void; that any act done by them with those titles shall be null and void; and that property bequeathed or given for such purposes shall pass at once to the Crown, with power to the Crown either to create a trust for purposes similar to those for which the original trust had been created, or for other purposes, as shall seem best to the Crown. I do not think a power less extensive than that would enable us to reach the justice of the case. I am aware that in several cases there has been a transfer of property from those who have hitherto held it to other persons who have been named by authority, either from Rome, or by persons assuming to act as bishops under the See of Rome. I was told, the other day, that a priest living near the sea-coast was deprived of an income which he had hitherto held, being informed by ecclesiastical authority that it was found that such property, and such an income, could be more usefully employed for other purposes. Now, I think we should do all in our power to defend the Roman Catholic laity against such acts of usurpation. The clause which I propose to introduce will, in a great degree, do so. If it should be necessary to introduce other provisions for this purpose in the Bill which my hon. and learned Friend the Attorney-General will introduce with regard to charitable trusts, it can be done, and further security can be taken to guard the Roman Catholic laity from that which purports to be a transfer of their property to hands which were not intended, nor had any right to be possessed of it.

There is a more difficult question, which perhaps the hon. Member for Youghall may raise with regard to the means by which the transfer of this property is obtained—those means being a spiritual censure against the priests of the Roman Catholic community. That is a far more difficult question, and one which can hardly be reached unless by the spirit of some of those ancient laws to which I have referred. In the present Bill I do not propose to introduce any provision of the kind contained in those laws. What I propose is, in the first place to prevent the assumption of any title taken, not only from any diocese now existing, but from any territory or any place within any part of the united kingdom. That provision is in conformity with a proposition which was made by the Bishop of London, in answer to one of the addresses which was presented to him. He said that he thought that not only we ought to prohibit the assumption of any title or rank already existing in this country, but any title derived from any place in the united kingdom. Our Bill will agree with that suggestion.

Perhaps I may mention that when I informed the Archbishop of Canterbury that it was not intended to institute a prosecution, he said, "I did not expect that the Government would institute a prosecution; but what I do expect is, that some legislation should take place upon this subject." By the measure proposed I hope to prevent that which I consider to be an insult to the Crown of this country, an interference with the rights of the Established Church of this country, and an attack upon the independence of this nation. By the other clauses to which I have alluded, I think we shall obtain security against any person obtaining possession, under these titles, of the trust property to which I have referred.

I have now stated the effect of the Bill that I propose to introduce. It is, as the House will see, entirely different from a proposal for a new system with regard to the relations between the See of Rome and this country. I think, whatever may be our ultimate legislation upon this great subject—a subject far greater than that to which I propose the present Bill to relate—we are not now in a condition to frame any such measure.

Much will depend upon the temper in which the present measure may be regarded by Rome, and much upon the direction which may be given to him who has taken upon himself the responsibility of representing at Rome the opinions of the Roman Catholic clergy, and of inducing the Pope to assent to the issuing of this document. That individual has it in his own power to remove a great part of the objections which have been felt in this country. If he has been given by the Pope a title which it belongs to the Government of Rome to confer, and has been honoured by an election which has placed him in the band of the Sacred College, I should think that if he has any regard for the welfare of this country—if he has any regard for the peace and stability of the Roman Catholic community — the best course he can take will be to renounce the title which he has assumed in this country, and rather do that which I believe it was his original intention to do, and which he assured me it was his original intention to do—namely, reside at Rome.

But if other counsels should prevail, and if he should be able to instil notions of ambition, or of revenge, into the Court of Rome, we may then, probably (though we can well know the end), look for a long and arduous struggle. With respect to that struggle, the part which I shall take will be guided by that principle which has hitherto always guided my conduct on this subject. I am for the fullest enjoyment of religious liberty; but I am entirely opposed to any interference on the part of ecclesiastics with the temporal supremacy of the realm.

Whenever I have seen in other bodies—whenever I have seen in my own Church, a disposition to assume powers which I thought were inconsistent with the temporal supremacy that belonged to the State, I have not been slow in urging myself, and inducing others to urge, strong and prevailing objections to any such measure. For instance, I may say, that in the course of the very last year, when the proposal was made—which was plausible in itself—to give to the bishops of the English Church a power which I thought would give them a control over the temporal well-being and property of the clergy of the Church, that proposal, because we saw in it a dangerous principle, was resisted, and successfully resisted, by my colleagues, in the place where it was proposed. But, if that is the case with regard to Protestants, who have expressed the utmost attachment to freedom—if that is the case with regard to a church which, like the Church of England, is, I believe, of all established churches the most tolerant of difference of opinion, the most consonant with the freedom of the institutions of a country like this—if that is the case, shall I not far more strongly object to any attempt on the part of the Church of Rome to introduce her temporal supremacy into this country? I cannot, Sir, forget that not alone in ancient times, but in the most recent times, opinions have been put forth on the part of that Church totally abhorrent to our notions of freedom, civil or religious.

It was a very recent Pope who said, "that from the foul spring of indifference had sprung that absurd, and bold, and mad opinion, that freedom of conscience should be permitted and guaranteed to all persons in the State." It is quite as recently that there has been kept up in the Court of Rome a prohibition to study such works as those of Guicciardini, De Thou, Arnaud, Robertson, and even (such was the prevailing jealousy) of the Greek Lexicon of Scapula. When I see in these times so great an aversion to religious liberty; when I see so determined a watch over books which contain, not merely questions of doctrine, but which contain narratives that may be injurious to the reputations of Popes, I own I feel a still greater dislike to the introduction of Ultramontane Romanist opinions into this country. I see, as I stated the other night, a total and entire distinction between the faith of the Roman Catholics as practised by the great men of the time of our forefathers—as practised and believed by the eminent men who lived in France, and who were the distinguished ornaments of the Church, and of the bar of France—there is, I say, a total and entire distinction between the faith of such men and the Ultramontane doctrines, as they are properly called by the Duke of Norfolk, which are brought to us from the Court of Rome. In admitting, therefore, full liberty of opinion to the Roman Catholics, I propose that this House now — and, if it should be necessary, on future occasions —should resist the exercise of that power.

I know, Sir, that in taking this course, we are liable to be misrepresented; and having stood during a long contest exposed to popular odium, and sentenced to exclusion from power on behalf of the privileges of the Roman Catholics, I know it may be said we are now changing our opinions and altering our views with respect to the Roman Catholics. But I do not feel, Sir, I have changed at all those opinions I have held, that Roman Catholics are entitled to be admitted to all the privileges of the constitution. My belief is, that those Acts, as tests of exclusion, which were passed in the reign of Charles II. and James II., were only rightly enacted, because there was then, and very justly, a suspicion of Charles II. and James II., as sovereigns upon the throne, that if they were allowed to employ Roman Catholics in the service of the Crown, not only the loyal Roman Catholics would be employed, but loyal Protestants would be excluded. That, I think, was the ground for the Acts then enforced; and be it observed, that in the time of Elizabeth, when you could trust the Sovereign on the throne, as you can do now, as being animated with feelings favourable to the defence of the Protestant faith, no such exclusive legislation was necessary.

I believe our powers of resistance to Rome, at the present moment, are augmented, because loyal Roman Catholics, attached to the Crown, attached to the constitution of this country, can hold office, and can be admitted to seats in the Legislature. I feel we are much more powerful in entering upon this contest, because we have it to say that we have made no exclusion on the ground of religion; and that if we make any exclusion, it is in defence of the laws and of the authority of the constitution. Sir, I think, therefore, with those feelings, we may say, as the Parliament in old times, as the Parliament in Roman Catholic times said, if we admit those assumptions—

> "So that the Crown of England, which hath been so free at all times that it hath been in no earthly subjection, but immediately subject to God, in all things touching the regality of the same Crown, and to none other, should be submitted to the Pope, and the laws and statutes of the realm by him defeated and annulled at his will, in perpetual destruction of the sovereignty of the King our lord, his crown and his regality, and of all his realm, which God forbid!"

Sir, the Parliament, the Roman Catholic Parliament of that day, declared—

> "That they will stand with the same Crown and regality, in those cases especially, and in all other cases which shall be attempted against the said Crown and regality, in all points, with all their power."

So say I: let us, too, stand against those attempts in all points, and with all our power. His Lordship concluded by moving—

> "That leave be given to bring in a Bill to prevent the Assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom."

Mr. ROEBUCK said, the noble Lord at the head of the Government began by laying a foundation broad enough for the large capital of legislation proposed by the hon. Member for Buckinghamshire. He not only went back to the most distant ages, but had searched Europe through, and had gone through the history of Austria, of Russia, of France, and of Holland for his Act, and, lastly, of England. If he had gathered its purpose rightly from the noble Lord's description, the Bill to be introduced meant that bishops of the Roman Catholic faith should not call themselves bishops of any place in the three kingdoms, or in any part of Her Majesty's dominions—[Lord J. Russell: No! only in the three kingdoms]—and that any property left to them as such bishops should be forfeited to the Crown. Let the House understand, if the person calls himself Archbishop of Westminster the law would operate, but if he called himself Archbishop in Westminster, the law would be inoperative. With the strong opinions expressed by the noble Lord respecting ecclesiastical power and ambition he entirely concurred, but there was one broad fallacy running through every word the noble Lord had said. He applied his arguments to what would apply to a country in which the Catholic religion was the religion of the State, and not to one which did not recognise it. Why had he not referred to the United States, a country in which there was a people numbering 25,000,000 freemen, speaking their own language, governed by their laws, and not afraid of the Pope; it was a gross omission on the part of the noble Lord to avoid the only case which bore any similarity to our own. Could one thing be more widely distinguished from another than France from England, or than Catholic England from Protestant England? The law of France, of Austria, and of Prussia was right, for these reasons—that the Catholic religion established by law contemplated the power of the Pope and the Pope's infallibility as an essential element of their faith; and, as to the quotations made by the noble Lord from M. Dupin, any one who had read Pascal or Arnaud must have known that in the struggle for Gallican liberty it was necessary for them to protest against the assumptions of the Pope, and to resist, because if they had not so protested his acts would have become the law of the land. The reason for these precautions ceased when the country ceased to be Catholic. The noble Lord had declared the Pope's proceeding to be an insult to England, and an encroachment on the prerogatives of the Crown, and on the rights and liberties of Englishmen. His Bill, therefore, had for its object to defend the Queen's prerogative, to wipe away the insult, and to maintain the liberty and independence of the country. The noble Lord complained that the bishops created by the Pope did not put themselves in communication with the Irish Government. If he (Mr. Roebuck) had been Lord Lieutenant of Ireland, and a Catholic bishop had come to him to consult him upon such a subject, his answer would be, "I don't want to know anything about you. You may attempt what you like as far as you are a priest, but so far as the law is concerned we know you not. You may be Cardinal or Archbishop if you please, but you have no power under the law." When the noble Lord speaks of the time of his ancestors, when the Pope was really a great power in this country, and could make the whole of England tremble, and the Monarch yield to his wishes, then, indeed, it was important to consider how his power could be limited, and in what way it might be necessary for our Parliament to stand up against such authority on the part of the Pope. But now the Pope was supported in his position by French bayonets; and if we, by a matter of negotiation, could induce France to withdraw her army, then the Pope might be a vagabond upon the face of the earth. He did not mean to use that word in an offensive sense, but simply to say that he would be a wanderer in the world. That a person placed in such a position should so far frighten the noble Lord as to induce him to waste two mortal hours of his valuable time to prove the necessity for his Bill, was to him (Mr. Roebuck) most surprising. He had thought that at this time of day such a proceeding on the part of the Pope would be met with ridicule—that it would be met by a greater effort for disseminating information among the people. And depend upon it their Act of Parliament will have only the effect of rivetting more closely that yoke which they said they so much feared, and will make those persons against whom they were directing their legislation to be obedient to that spiritual dominion which the noble Lord so much dreaded. It was all very well to say that if a man pronounced an excommunication or published a bull he should be punishable by law, but let them follow one step further. Suppose the priest who had excommunicated was punished by law, and then said, "I will not absolve,"—what were you to do? And that led him to the noble Lord's case of Sardinia. Now, Sardinia in that case he would accept as an illustration of his argument. But remember that that was a Catholic country. But what happened, and wherein was derived the power of the priest? Was it from the law? Was it not from the mind of the poor man, even though he was in the agony of suffering? The priest derived his power because he came to that man's house armed, not with the authority of the law, but his power was in the mind of the poor, agonising man, who really believed that the priest had that power which he exercised over him. Well, they could not reach that evil by an Act of Parliament. They might print books after books, issue anathema after anathema — they could not relieve the poor man from that state of mind but by a system of education; and hence the priest maintained his power in spite of all their Acts of Parliament. If they said they would make a law to prevent persons on their deathbeds leaving property to priests and bishops, he would be the very first to assist them, but he would extend it to all alike. He should fear a Methodist preacher as much as Cardinal Wiseman—he should fear the Bishop of London quite as much as Cardinal Wiseman. He would direct an Act against them by the general name of "priests," but he would not direct any against a Catholic bishop which he did not apply to a Methodist preacher. Had the noble Lord even thought upon what he was about? Had there not been for the last half dozen years a constant acknowledgment of the Catholic bishops in Ireland by the names of their sees; and, not only that, but had not the Charitable Bequests Act expressly appointed a commission partly composed of Catholic bishops, and had not a Commission issued from the Sovereign naming those bishops by the titles of their sees? Had not bishops been named by persons in authority by the names of the sees in which they resided, and were they not recognised in Acts of Parliament by those names? Why, there was a very stringent Act, which rendered it necessary to record the name of every Catholic priest, and the name of the person by whom he was ordained, and table after table had been filled up under it, naming the various Catholic bishops by the names of their sees. His objection to this measure was, that it was a step backward in obedience to prejudice out of doors—that it was a retrograde step, made because of the feeling of hon. Gentleman opposite. The noble Lord could not be alarmed at the power of the Pope in this country unless he was alarmed at the influence of the priesthood on account of their intelligence, industry, and continued application to the principles of religion. There was something in the circumstances of a Catholic priest coming into this country which exhibited him in an exalted position. He came into a kingdom where he had to meet great prejudice, among a people full of distrust and predisposition to suspect him; and there, though protected by the law, he made no converts but by the influence of his mind over the minds of others, and could derive no power but from his own industry. It was dangerous to meddle with such a power; and all he would say of the noble Lord's law was that it derived its benefit from its utter inefficiency. The noble Lord had thought fit to warn him not to have faith in what was called philosophy. If not, he wanted to know in what he was to have faith, for, in his sense of the term, to have faith in philosophy meant to have faith in the strength of truth. If he was not to believe in philosophy, he had against the Roman Catholic priest no defence whatever. If the noble Lord said there should be no Catholic bishop, he impugned the freedom of the Roman Catholics, and said they should not have the comforts of their religion; but if he meant they should not be called bishops of any particular place within the realm, he (Mr. Roebuck) would not divide against it, because he considered the measure utterly unworthy of a moment's consideration, and looked on the noble Lord as having, in vulgar phrase, "thrown out a tub to the whale." The description which the noble Lord at first gave of what was necessary to be done, somewhat staggered him, for he thought the noble Lord was about to yield to the hon. Gentlemen opposite, and to deal with the question in a way that would be satisfactory to them. No such thing. The noble Lord simply yielded to the vanity of certain persons; and if the Roman Catholics would follow his advice they would say, "We do not care about calling our archbishop the Archbishop of Westminster—we will give him some other name; he will still derive his power from the Pope, and after your Bill passes he will have exactly the same diocese, exactly the same power, and he will deal with the property which you seek to protect just as he would have done had it never been proposed." Suppose that instead of Cardinal Wiseman calling himself Archbishop of Westminster, he were to call himself Archbishop in Westminster. Your Act of Parliament then would not touch him. But if the Act should be framed to meet that case, he might call himself bishop of any foreign district with power in Westminster. How would you get out of that? How, too, would you frame an indictment under the Act? and if it were in Ireland how would you try it? It was extraordinary that the noble Lord had carefully avoided giving any explanation of the machinery of the Bill. The noble Lord said it was an offence for a Roman Catholic Prelate to call himself Archbishop of Westminster; but he had not stated whether it was to be a misdemeanour or a felony—whether it was to be punished by imprisonment or fine—nor had he declared how he was to be tried. Was there ever such a meagre finale to such an overgrown commencement? The noble Lord might as well have said at the outset that all he purposed to do was to prevent Roman Catholic Prelates from using certain titles, and there an end. The Roman Catholic Archbishop of Tuam had called himself so for many years. Suppose he and his brother Prelates were to say, "We have enjoyed our titles for a long time, and we will not surrender them at your bidding; we will resist and test your law and your machinery for enforcing it." Suppose the Archbishop of Tuam, that lion of the Pope, were to write a letter to the Lord Lieutenant, signed by his title, and say that he did so on purpose in order to try the law. How would you deal with that case in a country where nine persons out of ten were Catholics? The Bill would, he feared, be productive of mischief, not advantage—it would cause excitement, not allay it. Carrying out his hypothetical case, he would suppose that the Lord Lieutenant of Ireland took up the gauntlet which the Archbishop of Tuam threw down. An indictment would, he presumed, be sent before the grand jury, and then remitted to a special jury. Conceive the state of things in the archbishop's diocese while the matter was pending. Recollect they would be dealing then with a strongly religious, excitable, and he would say a prejudiced people, over whom their clergyman sways a power that none of us can well understand. He has an influence over the minds, the feelings, the passions, and the fears of the persons, not only in that one particular diocese, but all over Ireland. And if a person that was held so sacred in the eyes of the people be once immured in prison by the operation of the law, the peace of the whole country would certainly be endangered under the sophisticated wisdom of the noble Lord. And why was all this? Here was England, which had almost the power of sweeping every sea; whose fleet was to be found in every quarter, and whose fiat might go forth to the world as law; was she, then, to be insulted by a poor powerless priest, who chose to tell another priest that he shall have jurisdiction over the diocese of Westminster? The noble Lord spoke of this authority as if it took away authority from any one else here. What did that mean? Was the Archbishop of Canterbury one whit less powerful because Archbishop Wiseman existed here? Had any of his temporalities been touched? Was his dignity affected? Was he not still the Archbishop of Canterbury throughout this realm? Was he not at the head of the Church of England, and was he less so by this declaration? How was the Queen hurt? Was not the Archbishop of Westminster just as much the Queen's subject as ever? Could he do any one thing against her power or authority? Was the law disarmed because he had taken a particular title in his Church? In respect to the law of the country, he was no more entitled to that name than the head of the Quakers, if they had a head at all, or the Jumpers. If we had made him a portion of the Establishment, then, indeed, it would become us to look about us; and while he was on this subject, he would remind the noble Lord that there were such persons as the Catholic Archbishop of Montreal and of Sydney, who derived their subsistence from the tithe of land. So that, then, there was an establishment. In respect to the recent Papal appointments, the Government of this country only showed their want of wisdom by taking the slightest possible notice of their position. But why, said the noble Lord, did they not address themselves to the Government of Ireland? Why, the moment they had addressed the Government, if the Government had any communication with them, they would be at once acknowledging those titles which the noble Lord was now endeavouring to abolish. If they were allowed to manage their own internal affairs according to their own fashion, no danger could possibly arise. He regretted not seeing the noble Lord at the head of the Government in his place; but as he observed one of the right hon. Gentleman's colleagues there, he would state what he heard in respect to the Earl of Minto. He understood that a letter had been received by the Earl of Minto from a person whom he very well knew, a Scotchman of the name of Abbaté Hamilton. This gentleman was a convert to the Roman Catholic religion, and was now a priest. He said that the Earl of Minto was coming, one day, from an audience with the Pope at Rome, when the writer met him. In the conversation which took place between them, the Earl of Minto told him that he had just seen the brief by which the hierarchy of the Roman Catholic Church was to be established in England; but that he had said that he had nothing to do with that matter, because with the internal rule of the Church he had no concern. That was the language used by Abbaté Hamilton in his letter, who having seen this outbreak of our puritanical hatred to the Pope, communicated to the Earl of Minto this circumstance, and recalled to his Lordship's mind that remarkable conversation. Now, to return to the question, what was his (Mr. Roebuck's) argument? He appealed to the common justice of the House to say whether the whole conduct of Ministers had not tended and conduced to the belief in the minds of Catholics, that what the Pope was then about to do would give no offence to the Government of this country? If, then, he be answered in the affirmative, he also appealed to their justice not to allow those obsolete laws to be dragged forth, nor this proposed enactment in imitation of them to be passed into law. The noble Lord might point to his past career of long statesmanship to prove his character for toleration and liberality. That, however, was no answer to him (Mr. Roebuck) when he pointed attention to the character of his last proposition. It was useless for the noble Lord to accuse him of misrepresenting him, and to refer to his past career, when he (Mr. Roebuck) pointed to his present acts. It was just as if a person convicted of picking a pocket should allege that he had borne a good character for twenty years. In such a case the judge would say, "More shame for you!" and so he said to the noble Lord. When the noble Lord turned round upon him with his overwhelming sarcasm, and said that he ought to have credit given him for good intentions, he should have remarked that there was a homely maxim that "hell was paved with good intentions." The noble Lord's intentions might be of the purest character, but his Bill was fraught with mischief, and was wholly incapable of effecting good. Some centuries hence, when people would look back to this period, they would not be so much astonished at the display of stupid bigotry manifested by the people out of doors, as at the position taken by the noble Lord who had been heretofore foremost in religious toleration; that in the midst of this warm gush of anti-Papal zeal, he should be found to yield himself up to the control of the ignorant multitude; and, still more that he should come to Parliament to propose a law which would prove itself the most absurd Act of Parliament that had ever been passed, and one that would disgrace the legislation of the most bigoted times.

MR. J. O'CONNELL said, that the noble Lord at the head of the Government had acted wisely, even in the eleventh hour, in not proposing such a measure as his celebrated letter, written some three months ago, had led them to expect, and which had excited a degree of bigotry that would have disgraced any Christian country. The mountain had at length brought forth a mouse. The Bill, however, was one that ill became the noble Lord, as it was utterly at variance with all his previous political history. The noble Lord spoke of the Catholic Primate of Ireland in a manner that was wholly unjustifiable. So far from Archbishop Cullen being an ecclesiastic unacquainted with Ireland, he was for a number of years in Rome as the representative of the Irish people. He was appointed primate by the Pope in consequence of the divisions that were sown in Rome by the intrigues of the British Government there, as it was considered that such an appointment would be approved of by all parties, and give a triumph to none. The noble Lord had also attacked the Synod of Thurles for their proceeding. Upon the subject of education in Ireland, the Catholic bishops had sought for no endowment for themselves. All they sought, and all they asked for were guarantees as to the orthodoxy of those who were professors and instructors, so that no infidelity should be inculcated into the minds of the Catholic youth of Ireland. It was the duty of the Catholic bishops to do this; but then the noble Lord had said that the synod in Ireland had attacked the laws regulating the holding of land in Ireland. The synod had done no such thing. All that the members of the synod had done, was to look to the misery that had been endured by the people, and to deplore that misery. Then the noble Lord had referred to Sardinia, and he had mis-stated the facts in connexion with that country and the dispute that had taken place between the Court of Rome and the Court of Sardinia. The noble Lord had not said one word with regard to the bad faith that had been manifested by the Government of Sardinia towards the Court of Rome. In 1841 a new arrangement had been made between the Sardinian Government and the Pope; and although that did away with many of the immunities of the clergy, still it was readily consented to by the Pope. In 1848, the Sardinian Government came forward with a new proposition and a new arrangement. It was told that Rome was ready to make concessions. It was then, at the very time when those arrangements were making, that the Sardinian ambassador was withdrawn from Rome without any cause being assigned, the pending arrangements were broken off, and those arrangements that had already been made on the faith of a treaty were abrogated; and all this was done without any consent on the part of the Church of Rome. The new arrangements thus made by the Sardinian Government did not affect merely temporal matters—they interfered with the religious observances and practices of the people; they usurped the powers that belonged to the Church; and they did this without any reference to the Church of Rome. By these proceedings the censures of the Church were necessarily incurred by all Catholics who had taken part in them; and when the unfortunate minister Rosas found himself upon his death-bed, he was told by his confessor that he could not have the benefit of the sacrament of penance unless there was a retractation on his part of what he had done; that an absolution otherwise would be of no benefit to him. The dying man then did make a retractation—that was, a private retractation — and he received absolution. He refused, however, to make a public recantation. Now, the offence was public, and so should be the recantation of that offence. So he was told; but still he insisted that it should be kept private. Under such circumstances, his retractation was of no effect, and the priest was obliged to refuse him the last sacrament of the *viaticum*. In point of fact, he could not so administer it without being guilty of sacrilege. But then when it came to the archbishop's ears that Rosas had made a recantation, and that he had received absolution, he allowed to him the Catholic rites of burial. The noble Lord had next referred to France; but the state of immorality in that country should be a warning to him that the State derived no benefit from its persecution of the Catholic Church. The noble Lord had next referred to Austria, and to the restrictions that had been imposed upon it in his dominions by the infidel Joseph II. The present Emperor of Austria, however, finding that the Catholic Church was the bond of order in the recent desperate struggle against anarchy, had done away with those restrictions, which had limited and restrained the liberties of the Church. The noble Lord had admitted that it was acknowledged by the law-officers of the Crown, that neither the common law nor statute law had been violated by the recent appointment of Catholic bishops; and then the noble Lord told them of what William the Conqueror had done in opposition to the Pope. Why, the noble Lord might have cited the example of several other monarchs of this country who had interfered with the rights of the Church; but when the noble Lord cited such examples, he would be obliged to admit that the same monarchs who did this were monarchs who invaded the civil and religious rights of their subjects whenever they could; and the strongest examples for the noble Lord's purpose would be found in those periods of history when anti-Popes were set up, and claimed that respect which was alone due to the rightful occupant of the chair of St. Peter. The noble Lord had next referred to the Archbishops of Armagh and of Tuam, because they had not expressed themselves in the same terms of praise that had been used with regard to the working of the British constitution by the Catholic bishops in 1830, immediately after the passing of the Catholic Relief Bill. It was quite true that the Catholic bishops were grateful for the Act that had then been passed, and they then hoped that it would be carried out in the spirit in which it appeared to have been framed. Since then, however, they had found dissension had been fomented amongst their clergy in every possible way by the British Government. As to the supremacy of the Queen, to which the noble Lord had alluded, he said that the Catholics fully acknowledged the temporal supremacy of the Queen. But the noble Lord had spoken of loyal Catholics and of ultramontane Catholics, and wished it to be inferred rather than declared openly, that those who did not acknowledge the supremacy of the Queen in spiritual matters, were ultramontane, and not loyal Catholics. Now what the Catholics were asked to swear, and what they did swear, was this: that the Pope had no temporal or civil power in this country; but they were not called upon to swear, because if they were, they would refuse to do so, that the Pope had not spiritual or ecclesiastical supremacy. And when the noble Lord spoke of spiritual supremacy, and the Catholics acknowledged it, he ought first to call upon the Protestant bishops to agree upon it. Let the noble Lord look to the protest of the Bishop of Exeter upon spiritual supremacy in the Crown. And then, he said, that when the Protestant Dissenters denied the spiritual supremacy, it was too bad to cast an imputation of disloyalty upon the Catholics, because they would not acknowledge it. As to the temporal supremacy of the Sovereign, the Catholics entirely acknowledged it, and none were more determined in supporting it than the Catholics. He was not going to quote *Hansard* against the noble Lord, although he might take whole pages from it, to convict the noble Lord of inconsistency. He would content himself with alluding to what the noble Lord had said in February, 1844, about seven years ago, when, in allusion to the titles of Roman Catholic bishops, he said that any attempt at prohibiting them would be found to be a most foolish prohibition; that they might prohibit Archbishop Murray from calling himself Archbishop of Dublin, but that he would be called it nevertheless. That was the noble Lord's opinion in 1844. And now, let the House look at the document creating vicars-apostolic in 1840, and which was encountered by not the slightest remonstrance. He held in his hand the document issued in 1840, by Pope Gregory XVI., increasing the number of vicars-apostolic from four to eight, and in which was set down the bonds and limits of the vicar-apostolic of London; these comprised Middlesex, Herts, Essex, Southampton, Surrey, Kent, with the islands of Guernsey and Jersey. There the territorial limitations were as distinctly set down as in the latter document, which had been so strongly denounced that night, and for which the noble Lord had disturbed the country, and yet found at last that he had so poor a case, that he had to conclude by proposing a measure which was so small, so puny, and so ineffective, that it was only calculated to excite contempt. He told them that they could not, in any way, shake the progress of the Catholic Church. It did not rest upon temporal possession, nor upon physical strength—its power was the power of mind over mind, and nothing that the noble Lord could do, nothing that that House could do, even though its legislation were to be guided by hon. Gentlemen opposite, who wished for much more stringent laws than the noble Lord now proposed, could prevent the power of the Church from spreading, if it were the will of Heaven that it should spread. As to the illustrious individual who was said not to be popular, and who had been referred to, he could say nothing could be so calculated to make him popular and influential, as to find that he had been made the object of a pitiful and paltry persecution. As an Irish Catholic, he said, that they, the Catholics of Ireland, despised any attempt that might be made to revive the penal laws. He almost said, that he defied them, for the Irish had already shown that their spirit could not be broken by penal laws. They regarded with contempt this entire movement, as well as the paltry, useless weapon of persecution which had that night been forged by the noble Lord. He regretted the course on which they were now entering; for although he had often found fault with the proceedings in that House, yet when he considered the many good Acts which had of late years been passed in it, he could not but feel that it was an honour to belong to such an Assembly. When he looked back upon what had been done by that House during the present century—that by it had been effected the gradual restoration of the principles of civil and religious liberty—that by it had been carried the emancipation of the slaves—that by it had been put down slavery throughout the world—that by it had been accomplished a reform in the representation—and by it, too, had been enforced the principles of free trade; he could not but deplore that the lustre of such legislation should be tarnished by the paltry measure the noble Lord had that night proposed to them.

Mr. H. DRUMMOND said: Notwithstanding the great cry which had resounded from one part of the country to the other, he could not rise up against the Roman Catholic Church. He could not refuse to acknowledge that it contained every truth most sacred to man; although he must admit it has been perverted so as to make it fairly a question whether it has not done as much evil as good. He was very much astonished when he was told that this question was not a novel one; because he would defy any Gentleman to point out a single instance in history where a similar case had occurred. He defied them to show him a single State in Europe in which the Pope would have dared to have done that which he had in this. Other occasions would arise when he would feel it his duty to point out how otherwise he should have rejoiced at much that has taken place. He would have done so now, if the question had been confined to its spiritual point of view, because in the present state of ecclesiastical affairs, after the decision pronounced by the Privy Council, by that selected person who might be considered to have spoken with the voice of the Queen; after the extraordinary answer of the Archbishop of Canterbury; after the opinions given by a great many distinguished laymen of the House of Commons, and of the House of Lords, he did rejoice that there was still one church left which had faith in sacraments, and one that would maintain its faith against all that mere politicians could accomplish. But the thing against which they were called upon to defend themselves now was quite a new one. Some Gentlemen had declared that they were incapable of understanding a distinction which had been drawn by an hon. and learned Gentleman, that there was a distinction between the Court of Rome and the Church of Rome. But the distinction is recognised by all the canonists. The Church of Rome was that which had an invisible power over invisible or spiritual doctrines, and confining its power to that alone; whereas the Court of Rome was an external and visible thing, which had a jurisdiction over temporal and material relations. It was a very remarkable fact that the republic of France was obliged to put down lately at Lyons an association or confraternity for some religious purpose which was about to be formed; the French Government declaring that in such cases the secular power alone was to be consulted, and that neither the Pope nor the Archbishop could give any sanction to the contrary. Now what they had to contend against was against the Roman Catholic Church; but they had to contend against that which had been at work since the first age of the Church—the domination of the priesthood, the slavery of the laity, and the extermination of everybody who resists them. The laity were only as *baculi* in their hands, to be used only when and where their purposes required. In Cardinal Wiseman's edition of the Exercises of Loyola they would find it ordained that no Roman Catholic was to be without a director, from whom he receives directions upon every single thing which he has to do. If that were not slavery he did not know what was. But that was not all. They were told that they ought not to be astonished at these proceedings, not to be in the least surprised at them, although it was in the same breath asserted that this measure of the Papacy was merely a sudden thought adopted by the Court of Rome, and although the Pope declared, from the first moment at which he assumed the far-famed chair of St. Peter, that the Court of Rome never gave up the assertion of their right to dispose of the Crown of England. ["No, no!"] Had they forgotten the bull *In cœnâ Domini?* had they forgotten the evidence given before the Committee of that House by the Irish Roman Catholic bishops? Over and over again it had been stated, and not disproved, that the Court of Rome claimed to exercise that authority. ["No, no!"] If hon. Gentlemen went on with these denials he should be obliged to quote, and that he did not like to do, for quotations wearied the House. To be sure they were told that that bull *In cœna Domini* had never come in to these countries, and therefore could not apply. That was a little bit of special pleading. For there was a special clause in it which provided that by being pasted on the doors of the great churches in Rome, that should be deemed good service The Pope had over and over again repeated that he had temporal power here as well as spiritual. [*Cries of* "No, no!"] What! did they want him to produce authorities? The assertion of the power on the part of the Popes was one thousand years old. The present Pope has declared that he thought of this aggression ever since he came to the Papal throne. Now let them see what were its consequences. The last power which the priests exercised in Ireland was to create O'Neil's famous rebellion. After that they were kept down by the penal law. They were not able to do it again, but they never ceased to have the desire. They have kept up from year to year a continual irritation amongst the body of the people, and they have prevented the possibility of the quiet government of Ireland. Bishop Cantwell declared that there was a conspiracy in this House against the people of Ireland; and, in allusion to the Earl of Shrewsbury, he said how dreadful it was to consider that Roman Catholic Peers would join in that conspiracy to starve the people, and to alienate the estates of the Irish, and to make them pass into the hands of the Saxon. The Irish Members have said, that we indeed know nothing about their country, but we legislated with the best intentions; but they have never gone back and contradicted the bishop: we neither cared what he said or what he did not say; but when they went back they had not the courage to contradict this assertion of Bishop Cantwell, addressed to seven millions of deluded Irishmen. Now how had they gone on since Dr. M'Hale said, that the poor-law was purposely intended to starve the people? Did any one of those Gentlemen who give us credit for the best intentions contradict that? No, not one of them. And yet it was necessary to remember that these people were taught to look upon the voice of the priest as if God Almighty had himself spoken. [*Cries of* "No, no!"] What! was it necessary to quote authority for that also? Was it not the doctrine of the Church, that their superior should be to them as the voice of God? And who were these superiors? Why, the priests. It was these men who kept up this hostility in the minds of the Roman Catholics to English Government. Things went on in this way with the difficulty of governing the country, when the Earl of Clarendon unfortunately consulted them about these colleges. The news was sent to Rome, and they said, "Ho, ho! now the time has come when we have got the confession from a Protestant Government, that they cannot rule a Popish people without our help;" and he sent over that Dr. Cullen, whose anti-English, anti-British connexion with Ireland was so well known. If they doubted his statement he would refer them to the Earl of Shrewsbury's pamphlet, where they would find the character of this anti-English, anti-British Cullen was set down—

Mr. J. O'CONNELL rose to order. He did not consider it proper that the hon. Member should attribute treasonable sentiments to absent individuals.

Mr. DRUMMOND: Well, Dr. Cullen came over, went back, and made his report. He was at Rome when he heard that Smith O'Brien had sent over to the French Republic to ask their assistance in the contemplated rebellion in Ireland. When he heard the news, he said, "Oh, now the time is come for crushing England; now the time is come to put down Protestantism there." Dr. Wiseman was there at the same time, and he said to Father Grassi, one of the lieutenant-generals of the Jesuits, "Give me but sufficient power, and I will establish a *Jesu* in London;" and with that promise he bought his red stockings. It was for purposes like those that the anti-British party sent Dr. Cullen to Ireland, and put him over the heads of all whom the Irish Roman Catholic bishops had recommended for the primacy to the Pope. He had observed that, in the discussion of this question, it had been argued that though the proceedings of the Court of Rome might be fraught with much mischief, and likely to produce hereafter much evil, that was nothing, or very little, to us, and that we need give ourselves no trouble about the matter. But he confessed himself considerably at a loss to discover how any one could argue so, and at the same time recollect the proceedings in Ireland which the Roman Catholic priesthood adopted in the maintenance of their own power. It was only by anti-English, anti-British sentiments that these men won their way to power. But there were some persons who professed to take a common-sense view of the question, and said that Popery might be a very bad thing; but still, what had this to do with this question? He would show them that it had every thing to do with this question, and for that purpose he need only refer to the papers lying upon the table connected with the poor-laws of Ireland. They had passed a law by which chaplains were to be appointed, whose duty it was to attend the workhouses on a certain number of days. But a chaplain in one of the workhouses in the west of Ireland refused, from some cause or other, to attend the workhouse. He was remonstrated with by the inspector, but he still refused, on which the inspector, as in duty bound, dismissed him; on which Dr. M'Hale wrote to know how the inspector dared to interfere with a priest under his jurisdiction. There, then, was a direct collision between a law they had passed and Dr. M'Hale, who chose to call what the inspector had done "persecution." It was a very convenient thing for the Roman Catholics to call out for a perfect toleration of all religions. But where had they ever allowed that? Was there a single Roman Catholic country where any one dared to use these words? It was only on English soil that such a phrase was at all tolerated; and he would mention a case, to show that that notion was especially opposed by the Pope himself. When the then Pope was completely under the control and in the power of Napoleon, he was asked to consent to a measure by which all sects should be put upon a par with each other. The Pope peremptorily refused that, and declared such a measure to be impossible—that such a recognition of all religions was wholly rejected by the canons and councils of his Church—that it would be inconsistent with the tranquillity of life, the well-being of society, and could not fail to be attended with the most lamentable consequences. That was the opinion of the Pope on the question of civil and religious liberty. Then they were anxious for the education of the Irish people; and to that end they had established what were called the Queen's Colleges. He was rather opposed to those institutions himself; but he saw that the only real objection to them on the part of the priests was, that they tended to encourage freedom of thought on the part of those poor wretched slaves, the laity. As far as he could observe—and it was not his opinion alone, but that to which the whole French nation had come—the object of the priests had always been to enslave the mind and spirit; while the object of all Protestant sects was to give the best possible education to their children which they were capable of receiving. But all their books ordered to be used in the Queen's Colleges would be placed in the *Index Expurgatorius;* and the Queen's Colleges would be at an end if Roman Catholic laymen pleased to remain under the domination of the priests. It was very amusing to hear a person of the ingenuity of the hon. and learned Member for Sheffield attempting to put Cardinal Wiseman on the same footing with a Wesleyan minister. Why, what comparison could there be betwixt them? Did ever any one hear a Wesleyan minister, or any other dissenting minister, say that he had a right to dispose of all the crowns and monarchies of Europe? Did they ever hear any dissenting minister declare that every body would be damned for ever who was not of their sect? Aye, his sect, for in the case of the Roman Catholic it was not enough that you believed every article of his faith, still, if you were not on the rock of Peter, that was to say, if you did not submit to the domination of the Pope and the priests, there was no salvation for you. But to come back to the question before them, he must remind the House that this was not a question of names. The whole framework of the hierarchy was altered by the Papal rescript, which made the bishops slaves to the archbishop — the priests slaves to the bishop. As for the poor laity, they could not be worse slaves than they were before. What was their object in this change? Their object was, as it had ever been, and he was glad the noble Lord appeared to have got an inkling of the fact, to get money—to bring the endowments of which Catholic bodies were possessed into the hands of the priests, over which the laity should have no control; and if hon. Members dared to tell the truth, there was no person who ought to be more obliged to the noble Lord for this Bill than the Roman Catholic laity. Then what were they going to do with the convents? Were they going to allow these secret prisons in which young females were confined? Were they going to suffer to be transacted in this country scenes such as he had seen transacted in the convents of foreign countries? It was a pity that hon. Gentlemen opposite never read Roman Catholic works. He would refer them to a theological work which he had been reading that morning, by Busembaum, where they would see what was his opinion of the use of torture in matters of religion. Hon. Gentlemen might view the present danger as a very light matter, because they might happen to know individual Roman Catholic gentlemen who were not slaves to the priests in the way that he had said. But what would they do with the whole body of Papists in Ireland, if the Pope should put that country under his ban? It might be very well for those Gentlemen who had no faith in sacraments to smile at such a supposition; but they ought to put themselves in the shoes of those men who knew the value of sacraments before they judged of their conduct. He believed that the Pope was perfectly prepared to do this, for he never relaxed; he never abated one iota of those pretensions which had ever been put forward by one of his predecessors. Well, then, he asked again, what were they to do with the sacredness of monastic vows? Did they not know that scoundrels were now going about the country stealing children from their parents, and immuring them within the walls of convents? Was there no access to be allowed to such places? What they meant to do he knew not; but he knew that in Bavaria, a Roman Catholic country, no vows were allowed for a longer period than three years. Were they going to allow monasteries to be established as fast as funds could be got to support them, till matters should get as bad in Ireland as they found it was in the days of Bede, who, in one of his letters, complains that the multiplication of monasteries had grown to so great an abuse that there was scarcely sufficient men left to defend the country? Another object of this measure of the Pope's was to take away all trust funds from the English courts of law, and to place them under the sole management of Archbishop Wiseman. That was the real gist of the question. The money was the thing. It mattered very little whether they called Dr. Wiseman Archbishop of Westminster, or Archbishop of England; but to take the property of Roman Catholics out of the hands of our courts, and get it into their own—that was an object worth attaining. The Catholics could do nothing themselves. They must receive the sacrament every Easter; they must do penance for every word they might utter against the appropriation by the clergy of these trust funds. He saw a right hon. Gentleman the President of the Poor Law Board, who was about to introduce a measure for the protection of poor girls in workhouses; but he could assure the Government that the poor girls in convents in this country required protection quite as much. It was but a few years ago that a remonstrance was signed by thirteen of the bishops and archbishops of Ireland, complaining of the persecution to which they were subjected from the persecution of the English Government, and the gravamen of their charge was, that by the statute of mortmain it was not allowed to a layman, in the last hour of his existence—that sincerest hour of his repentance—to give some of his lands for the salvation of his soul. Had hon. Gentlemen seen a petition of the priests against the bishops, complaining that the bishops went to the death-beds of the laity, and that the priests got nothing—that the bishops took all, so that it appeared the laity had no chance, being both under the bishops and the clergy? Some hon. Gentlemen said, that this was no attack on the Queen's supremacy; but that only showed their ignorance of what the Queen's supremacy was, and the extent to which it went. If they went back to the earliest times—and he went back to these that there might be no dispute about the matter—they would find that the Queen was held by the coronation service of Edward the Confessor, which was very much the same with the coronation service observed now—to be *persona duplex* and *persona mixta*, because she was *vicarius Christi*, who is *persona mixta*—that was to say, a priest upon her throne. He was speaking now, they would observe, of her spiritual supremacy. In accordance with the same views, she was clothed in ecclesiastical garments, even a Cope and Dalmatic. She sat covered in the house of God, when even the bishops took off their mitres—she was prayed for in the Litany as the head of ecclesiastical persons, not as the head of civil governors—she received tithes by Act of Parliament as a spiritual person — she was anointed with holy oil, which was a symbol of spiritual and not of temporal jurisdiction. Now, he believed that in the present aspect of ecclesiastical affairs in this country that spiritual supremacy could no longer be enforced. He believed they would be called upon to pass some more Acts of Parliament to make this question fit into the present framework of society. They might rest assured they would not keep back the Papal aggression by anything they had done. The Pope would slip through their fingers in spite of them; and if they found that this view of the Queen's supremacy, which was now the law of the land, was untenable, as he believed it to be, let them at least have the manliness to come forward and repeal it themselves, but don't let them suffer it to be expunged from the Statute-book at the dictation of an insolent priest.

Mr. E. B. ROCHE could have supposed during the last half hour that he was in Exeter-hall, listening to some of the minor canons who held forth in that edifice. It was evident that whatever might be the religious opinions of the hon. Member for West Surrey, he was one of that class who did not hesitate to rush in "where angels feared to tread." His speech afforded a slight indication of the evil that this measure of the noble Lord at the head of the Government was likely to produce in this country, and in Ireland. The noble Lord had spoken in strong language of the necessity that had been forced upon him by the Papal aggression, and he was very indignant at the acts of the Pope and Cardinal Wiseman. To judge from the language of the noble Lord, it might be inferred that he considered the conduct of Cardinal Wiseman to fall little short of high treason. If so, did not the law as it now stood afford the means by which to meet the act? The Act of the 13th of Elizabeth was surely sufficient to meet any aggression such as that signified by the noble Lord, if the Government chose to put it in execution; and the opinion of Sir Edward Sugden, one of the ablest lawyers of the day, was, that the existing law met the case. If they had enforced the provisions of the 13th of Elizabeth, cap. 2, sec. 3, the whole proceeding and the accompanying and consequent excitement, would have been prevented. [The hon. Member here read the clause of the Act, which was to the effect that any person introducing into this country bulls, papers, writings, or instruments of the Pope, should be deemed guilty of high treason.] It was true that the penalty in the Act had been repealed, but the offence remained. He believed this Bill, such as it was, to be utterly unnecessary to the country; and, more than that, it was taking the Bill as the noble Lord had described it, a manifest retrograde movement in civil and religious liberty. In the first place, the noble Lord proposed to extend this Bill not only to England, where there had been *casus belli*, but he condescended also to extend it to Ireland. As an Irish Member, he begged leave to tell the noble Lord that there was no necessity in that country for any measure of the kind. In saying this, he did not speak only upon his own authority, but quoted from authority of far greater weight. During the recent religious excitement, the Archbishops and Bishops of England presented an Address to Her Majesty against what is commonly called the "Papal aggression," in which they styled themselves "the Archbishops and Bishops of the Church of England." As the "United Church of England and Ireland" is the only Church known to the law, the Irish Prelates, in order to enlighten their episcopal brethren in England as to the name of the church in which they were bishops, forwarded a memorial upon the subject to the Archbishop of Canterbury. His Grace, in his reply, expressed his anxiety to assure his Grace the Primate of Ireland, and his right reverend brethren in that country, that the address had not originated in any desire on the part of the English prelates to represent themselves as a body separate from the Irish Church, and that the reason why no allusion was made to the Church in Ireland was, that in the present instance the movement of the common adversary was immediately directed against "ourselves" — that is, against England. He was, therefore, warranted in saying, on the authority of the Archbishop of Canterbury, that this Bill was utterly needless in Ireland. He declared this to be a retrograde movement, because it was an attempt to ignore altogether the existence of the Roman Catholic Church over the entire empire; and he asserted that that church had been virtually recognised by that House, and by the Government, not only in the colonies, but in Ireland. The noble Lord had himself recognised it as the law of the empire; for there was a paragraph exactly similar to that now complained of in a bull which, in March 1843, was introduced into our colony of Australia. The bishop of the province remonstrated with Lord Stanley, who was then at the head of the Colonial department, stating his objections to the introduction of the bull; and that noble Lord no doubt received the remonstrance, coming from such a quarter, with deference and consideration. [The hon. Member here read a letter from the Bishop of Australia to Lord Stanley, dated March 27, 1843, and a circular from the Bishop of Australia to his clergy, dated March 25, 1843.] The House would observe that this was the case of a Protestant bishop in one of our colonies protesting against the introduction of a bull from the Pope of Rome, which was precisely similar to the bull now complained of—namely, to establish and confirm a Roman Catholic bishop in the very see represented by the right rev. Protestant prelate himself. Lord Stanley, in a despatch of the 12th of September, 1843, acknowledged the receipt of the bishop's letter, but desired that prelate to be acquainted that he (Lord Stanley) must decline a discussion upon the question which it raised. In doing this, he (Mr. Roche) thought that Lord Stanley acted as a sound-judging and discreet statesman; and he must say that the provisions now proposed by the noble Lord at the head of the Government were a direct attack upon Lord Stanley as Secretary for the Colonies, and he hoped that the hon. Member for Buckinghamshire would defend his chief. But, if the measure was a direct attack on Lord Stanley, and in contravention of our policy in the colonies, what was it with regard to the Earl of Clarendon and the policy pursued in Ireland by him, and also by the late Government of Sir Robert Peel, of which Lord Stanley had been a Member? By more than one Act of Parliament and by innumerable acts of the Executive in that country, we had recognised the Roman Catholic church and the dignitaries of that church in Ireland. The first was the Bequests Act of the 7th and 8th Victoria, c. 96. Subsequently, during the government of the late Earl of Bessborough, a Committee was appointed by a Queen's Letter, to decide who were to take under that Act, and who were not; and in that letter the Roman Catholic bishops were designated as the bishops of certain sees. They had heard, too, a great deal from the noble Lord, and from his supporters in and out of that House, about interference with the Queen's supremacy. What was the case as to the law upon that point? There was an Act of Parliament relating to Ireland which virtually repealed the Act of Supremacy *pro tanto;* it certainly was only a local Act, but it was an important one—it was the Dublin Cemeteries Act. It was passed in 1846, and gave certain powers to "His Grace Archbishop Murray and his successors exercising the same jurisdiction which he exercised in the diocess of Dublin as an archbishop." That was a direct recognition of Archbishop Murray's spiritual jurisdiction in the diocess of Dublin; as that Archbishop Murray derived his spiritual jurisdiction from the Pope, it was *pro tanto* a recognition of the spiritual jurisdiction of the Pope in Ireland; and he defied any legal Member of the Government to contradict him, when he said that the Dublin Cemeteries Act was *pro tanto* a repeal of the Act of Supremacy in Ireland. Again, on Her Majesty's late visit to Ireland, the Executive Government issued, in the *Dublin Gazette,* a notice that Her Majesty was pleased to desire that the following persons should have the *entrée* of the Castle: the Primate, the Chancellor, the Archbishop of Dublin, the Roman Catholic Primate, the Roman Catholic Archbishop of Dublin, the Duke of Leinster, the Cabinet Ministers—so that the Roman Catholic Primate and Archbishop of Dublin took precedence of the Duke of Leinster and Her Majesty's Ministers, the Protestant Bishops, and, as an hon. Member reminded him, the University of Dublin. He was fully warranted in saying that the jurisdiction and titles of the ecclesiastics of the Roman Catholic church in Ireland had been recognised by Government. In attempting to extend this measure to Ireland—a measure almost ignoring the existence of the Roman Catholic church in that country—he contended that they were entering on a retrograde movement—they were invading the grand principles of civil and religious liberty. The Bill which had just been introduced was a direct censure on the Earl of Clarendon, who had allowed the Catholic bishops to assume the designation of their sees—to assume those titles to which they had been called by the united voice of the Catholic people, expressed by deputy. He certainly thought that they were wrong in abandoning the policy of their own Lord Lieutenant, and in abandoning, he would say, the principles on which they had been acting. If they passed the present Bill, they would require an Act of Indemnity for the Earl of Clarendon and the Government for adopting the proceedings which they had taken in Ireland in this matter. He maintained that the noble Lord had shown no just grounds for extending the measure to Ireland. The noble Lord had, it might be thought, made out a very strong case for England. England he (Mr. Roche) did not so much regard in the matter as he did Ireland; and he maintained that if they extended this Bill to Ireland they would inflict on that country a measure of practical oppression. He was well aware of the inflammable materials which the late agitation had brought to play in this country; and from what he saw out of doors, as well as from what he had heard within, and especially from the speech of the hon. Member for West Surrey, it seemed likely to descend into a religious dispute and scramble. He wished he could change that feeling into one of anxious desire on the part of the people of Ireland to apply themselves to the regeneration of their country and the pursuits of industry. He feared not only that he would fail in that, but that every one else would also fail, while the noble Lord and those who supported him made aggressions on the Church of Rome. It was not too late, if not to withdraw the measure, to remove from it all that related to Ireland, and he trusted that that course would be taken, for no cause had been shown why Ireland should be included in it.

Mr. MOORE said, the noble Lord at the head of the Government had that night displayed an amount of historical research which would entitle him to fill the chair of history in the Queen's Colleges in Ireland. The noble Lord had undertaken to prove, from ancient and modern history, that there was a principle in Popery which required repression — that its full development was dangerous to the Government, and to the community—that therefore it was their duty, in conformity with the practice of our despotic ancestors, and in conformity with the practice of the absolute Governments of Europe, to repress the development of its institutions by statute. But he would ask the noble Lord of what institutions did any despotic Government, ancient or modern, permit the development? To assert that the policy of William the Conqueror, that the policy of the Governments of the middle ages, or of modern Governments which were not constitutional, should be examples to this country, was neither more nor less than to call upon them to adopt the policy of despotic Governments, and to abandon the first and fundamental principle of free institutions. The two principles of Zoroaster were not more distinct and antagonistic than the two principles there involved. Despotic governments of ancient and the present times maintained that it was the duty of the State to repress, restrain, and prevent the development of all opinions which they deemed dangerous to the Government or to the community. But free countries, with a constitutional government, on the contrary, maintained, or rather used to maintain, that it was not the province of the State to interfere with opinion; but that, on the contrary, the free growth and development of public opinion was the very sap and vitality of free institutions; and they held that any interference with opinion was the most dangerous and fatal of all tyrannies, because it restricted, not only liberty, but knowledge and progress. The noble Lord had referred to other countries; but, as the hon. Member for Sheffield had observed, he had omitted the case of America, which was the only analogous one to that of this country. It was a free country, and there the Pope might send as many cardinals as he chose. If they disobeyed the law of the land, they would be punished; if they attempted to subvert the institutions of the country, they would be amenable to the laws; but they might call themselves bishops or what they pleased so long as they kept their hands out of other people's pockets; they might call those who differed from them heretics, provided they avoided the law of libel; and they might inculcate the canon law to their hearts' content, so long as they obeyed the law of the land. But it was said, that even in the time of their Roman Catholic ancestors any attempt of the Pope to appoint bishops to sees in England was always resisted. Why, in those times bishops were not only spiritual functionaries, but also temporal potentates. In the laws affecting marriage, inheritances, and other important matters, they exercised extensive jurisdiction. The Bishop of Durham, for instance, was not only Bishop of the diocese, but also Prince Palatine of the county; the laws were administered in his name; and the influence he might exercise over the temporal affairs of his neighbours might be easily imagined. To hand over the nomination of such potentates as these to a foreign prince, would be to surrender into his hands no inconsiderable portion of the revenue, and a large share of the judicial and executive power of the country. To compare the case of prelatic princes with that of a parcel of poor priests, who received from the State nothing but slight and obstruction, was not only the very pedantry of bigotry, but the injurious sophistry of premeditated wrong. The question in the present case was not whether the nomination of bishops should be placed in the hands of the Queen or the Pope; but whether they should be nominated at all. They protested against the interference of a foreign prince in this matter; but in what condition did they come forward as plaintiffs? Did they come into court with clean hands? Had they fulfilled in any way the duties of a Government towards those men with regard to whom they now deprecated foreign interference. If that wretched man, who was condemned the other day in their criminal courts for ill-treating the person whom he was specially bound to protect, had indicted a stranger for giving advice or assistance to Jane Wilbred, his complaint of foreign interference would not be more preposterous than that of the Government in the present instance. The Sovereign, on her Coronation, protested against the religion of one-third of her subjects. The Government persisted in ignoring that religion altogether, except as a necessary evil to be gradually remedied. The Legislature, per force, under compulsion, tolerated what it had failed to exterminate. If one-third of the population of the empire had not been trodden down into helots, or degraded into savages, it was not for want of will on the part of the British Legislature, which now, while it acknowledged the temporal rights of the Catholics as citizens, still maintained over an entire Roman Catholic people, a system of ecclesiastical tyranny, robbery, and oppression, which had been condemned by the universal verdict of civilised man. Why, he denied that they could make out a case against Satan himself for interfering with them in the spiritual affairs of their Roman Catholic fellow-countrymen. But if the Pope did not nominate the Roman Catholic bishops, by whom were they to be nominated? The State ignored any relations with the Roman Catholic priesthood, except those of neglect and oppression. That dog-in-the-manger policy would not do. There must be either alliance or non-interference. He did not offer any advice upon the adoption of either course, he merely protested against the continuance of a system of obstruction and blockade. The Queen, let her Coronation say what it might, was a great Roman Catholic potentate—one of the greatest Roman Catholic potentates in Europe. Let her come forward in that capacity, and She would find no difficulty with the Court of Rome or her own subjects; but so long as She was bound to protest against the Roman Catholic religion, any interference with those whose functions She was bound to neutralise was a contradiction almost in terms, and the most intolerable of all persecutions. But it was said, that to recede now would be an insult to the people's wishes. To that he answered, after all that had been done during the last fifty years, to take the proposed step would be to insult the people's history. But the agitation of the last three months had been termed a great national manifestation, pervading every class, penetrating into every circle, uniting every party, and carrying with it the whole will, energy, and intelligence of the whole people. And he had no doubt that the people of England believed all this—he had no doubt that they implicitly believed that the Papal aggression, as it was called, had undergone a thorough and impartial discussion during the last three months—that the question had been fully debated, sifted, and considered in all its bearings—and that they had delivered themselves of a verdict so complete, precise, comprehensive, and unanimous as to make doubt impossible, and even elucidation unnecessary. Now, he ventured to deny all these propositions. First, as to the unanimity—it was, at best, two-thirds of the people protesting against the religion of the other third; it was every two men in the street insulting every other third; and though if it came to blows, two to one would be formidable, if their object were to maintain peace and concord, they would find one to two a fearful minority. 2ndly. Had this demonstration been worthy of a great people or a great occasion, if the occasion were a great one? If so, would hon. Gentlemen point out a single great intellectual effort that the occasion had brought forth: they boasted of the millions of heads that had been brought together—what had been the produce of the brains that they contained? Could hon. Gentlemen point out a single speech recognised by themselves as a great complete and statesmanlike exposition of the principles and the objects of this wonderful manifestation? Nay, could they refer to one brilliant aphorism—one pregnant sentence—one bright scintillation of genius that had flashed from the intellectual collision? They had been promised a storm, and, lo! a Scotch mist;—no thunder rolled—no lightning flashed; but instead, they had been drenched to their very souls with a dense and dreary drizzle, "one weak, wasting, everlasting flood" of scurrility and cant, from the miserable endurance of which oppression might be deemed relief, and persecution shelter. If it were true that the masculine sense of the English people had retrograded into the second childhood imputed to it by the No-Popery orators—if debt and taxation in the past and future were less evils than the confessional here, and purgatory hereafter; if the giant strides of crime were considered by them of less danger than the infinitesimal progress of Popery—if Puseyism were more dangerous than pauperism, and ultramontane bishops worse than bankruptcy and ruin—then, indeed, it was time for that House to assume its noblest functions and highest responsibility, namely, the asserting against the wild voice of three months' agitation the steady, continuous, consistent, and progressive development of free opinion for half a century. But if the people demanded one thing, let them not imagine they were yielding to their wishes by giving them another. If they asked for resistance to Popery, let them not imagine they were yielding to that demand by declaring that particular bishops should not take particular titles. The agitation began with the noble Lord's notorious letter to the Bishop of Durham. If it were supposed that that letter had been directed exclusively against the recent act of the Pope, a more irrelevant letter could scarcely have been written. But though the noble Lord's shaft flew quite wide of Popish aggression, it did not, however, miss its aim—the pith and point of the noble Lord's attack were directed against a party in the noble Lord's own Church. *Nomine mutato de te fabula narratur.* The danger was not from the Roman Catholics, but from themselves. They might describe the Church of England in the words in which Cæsar commenced his *Commentaries—Ecclesia Anglicana divisa est in partes tres*; and although, as in a disintegrated planet, the fragments still revolved in the same orbit, they were held there by no internal bond of mutual attraction or cohesion, but by their central gravitation to the sunshine of the State round which they severally circled. They had first the High Church or Puseyite party, which was strongly suspected of an inclination to the Roman Catholic Church; they had next the extreme Low Church party, which was more than suspected of identity of doctrine with the Dissenters; and they had last the moderate quiet-going Church party, whose motto was "a plague o' both your houses," and who entertained a morbid suspicion that the coach would be upset between them. In that state of things the Minister resolved to reform the Church, and becoming for the purpose himself a Church Dissenter, he began by appointing Church Dissenters to the episcopal sees; hung out the banner of the Sovereign in distinct antagonism to that of the hierarchy, snubbed the bishops, swamped the ecclesiastical courts, blockaded the Church, and stormed the Universities. Now, as a part of this scheme—and in no other light could he understand the noble Lord's letter—that the noble Lord did not himself believe that the assumption of English sees by Catholic bishops was dangerous either to Church or State, did not rest upon surmise or deduction, but upon the express declarations of the noble Lord himself; inasmuch as he found him in 1844 declaring that the statute which prohibited the assumption by Roman Catholic prelates of the names of the dioceses over which they presided, was "a most foolish prohibition;" and inasmuch as in 1846 he had again declared that the prohibition contained in the Act of 1829, as to the assumption of episcopal titles, was "a most absurd and puerile distinction." He (Mr. Moore) was, therefore, bound to believe that the noble Lord regarded the late aggression of the Pope rather as an opportunity than a disaster—rather as a godsend than an evasion—that the noble Lord wished to strike at Puseyism through the ribs of Popery, and make the Romish intruder a whipping boy for the Anglican truant. So far he admitted the plea of the noble Lord, that the offensive portion of his letter was directed against Puseyism; but when the noble Lord asserted that he could not be held answerable for the opinions that might be formed of his letter by others, he reminded him (Mr. Moore), of the vulgar story of the man wallopping his own nigger, and justifying the chance blows he inflicted on passers-by during the operation. The noble Lord had a clear right to entertain whatever opinion he thought fit on the subject in his private capacity; but for the Prime Minister of the Crown to give vent to every crude opinion he might take up, without calculating the injury he might inflict on the country by setting classes of Her Majesty's subjects against one another, was what he could not assent to. But however that might be, the letter of the noble Lord was clearly an appeal to the Protestant feeling of the country. And what had been the answer of the country to that appeal? Did it contain any nice discrimination between the Cisalpine and Trasmontane forms of Popery? On the contrary, the answer of the people of England was an indiscriminate and undiscriminating protest against all forms of Popery within and without, whether Anglican or Italian, whether vicariate or hierarchical; and if any distinction was made by them between one form of Popery and another, the fire and fury of their protest was rather the more vehemently directed against the Cisalpine than the Ultramontane. The real question was, were they prepared to resist Popery by statute? That was what the people of England called upon them to do, and they ought to receive an answer worthy of their own frank and truth-loving character. But if it were held that the noble Lord and Parliament were bound to listen to the voice of the people of England as expressed in this matter; was no respect due to the voice of the people of Ireland demanding redress for injuries inflicted on themselves? Here, however, it was a case of infliction of wrong. The Legislature were called upon to offer up to the inordinate pride of one country, the wounded feelings and crushed hearts of another. To this proposition, however, Ireland had but one answer to give—that was defiance. The people of Ireland defied the attempt to inflict upon them this wrong. The law inflicting it would not be obeyed in that country; and, what was more, it ought not to be obeyed. It would likewise be disobeyed with impunity; for from one end of Ireland to the other, a verdict would not be got against those who violated it. Was this an example to set to the people of Ireland? The noble Lord said, that if the Bill he proposed was not strong enough, he would go further. Was the noble Lord prepared to go the whole length with M'Neile, and try the gibbet? And if not, how far would he go in the path of persecution? *Ce n'est pas que le premier pas qui coute.* Let them save themselves, while they had yet time, alike from the agony of advance and the misery of retractation. He might be asked what right had Roman Catholics to religious liberty, inasmuch as the Roman Church had never shown any disposition to concede it to those who differed from it when it had power? He might be asked why, if religious liberty was not granted to Protestants in Rome, it should be claimed by Catholics in England? To this he replied—because England was England; and because he demanded civil and religious liberty, not as a Roman Catholic, but as an Englishman. While he was grateful to Providence for teaching him what he believed to be the true faith, he was also grateful that he was the native of a free country. While he felt proud of his spiritual relations with the head of his Church, he was also proud that he was not the subject of a petty Italian prince; and while he hoped for mercy from God through the faith to which he clung, and the church to which he belonged, he looked to justice from his country through the national rights to which he was born.

MR. BRIGHT: Sir, I presume the hon. Members on the Government benches think it is not necessary to speak after the statement of the noble Lord; and on the other side the hon. Gentlemen are rather taken aback and do not know precisely what line to pursue until they have considered it out of doors, and have fixed on the course they are to pursue. Now, the question which we are to discuss to-night is considered by some present to be a light one, and a matter of very little importance; by others it is considered a very grave one, and amongst them is the noble Lord at the head of the Government, who showed more than usual feeling and excitement in the speech he has delivered to-night. I am not about to make many observations upon the course which the noble Lord has taken with regard to this question. The worst I will say of his letter is that I think it was written under feelings of excitement which are hardly becoming a Prime Minister, and which will not add to the noble Lord's character as a judicious statesman. There is also an inconsistency in it, for the noble Lord, in reference to the appointment of certain Catholic bishops, is fearful that it is a breach of the Queen's supremacy, an insult to the country, and in fact that it threatens the independence of the nation. But in that letter he has made a statement which shows that it is not that which excites him;

for he states that there is something which alarms him much more than the aggression of any foreign potentate. He says, "what danger, then, is to be apprehended from a foreign prince of no great power compared to the danger within the gates from the unworthy sons of the Church of England herself?" I suppose that the Prime Minister must have forgotten all this, or beyond question he would have placed in the Queen's Speech some reference to the most important danger from which so much was apprehended. Instead of that he goes down in breathless haste to the House, and on the first day or in the first week of the Session he proposes a measure with reference to this trifling and almost imaginary danger; but he makes no reference whatever to the principal danger which menaced the country and the Church. The noble Lord has appealed to the country, I should say to the bigotry of the country. He has met with a response from that bigotry, and a response too from some men who I will admit are not bigoted, but who have followed the banner which the noble Lord raised for them. The end of all this excitement is not yet. The end is not in the little, paltry, miserable measure which the noble Lord appears to be about to bring in to meet this great emergency: but this is only the beginning of a great struggle on which, as he says, we are about to enter. I should not be surprised if, like the person we read of in old, and perhaps fabulous, times, the noble Lord should find himself devoured by his own hounds; and if this measure, which he, for a moment, obtained great popularity by, should end in the destruction of his Government. But I will admit, for the sake of argument, that this is a grave case. I think I may be allowed to do that when we take into account the extraordinary number of meetings which have been held throughout the counties and boroughs of England—I take it for granted that our countrymen do not hold meetings unless they think there is some cause. I will allow that there is a grave reason for all this excitement, which doubtless arises from a belief in the public mind that the Roman Catholic religion is making rapid strides in the united kingdom, and that the measures which have lately been adopted are an indication of its progress. Believing (as I am free to confess that I myself believe) that it would be a great calamity for this people to return from Protestantism to Roman Catholicism, and to return again to that church, which they think is nevertheless gaining strength rapidly and steadily throughout all classes of society—there can be no wonder at persons feeling uneasy that the people should be in danger of yielding to it, or falling back to it. Now, this is not a subject for us in Parliament to discuss at all, and we are discussing it in consequence of the errors of our forefathers. The American Minister was in the House, or near the House, when the debate began. He listened to the speech of the noble Lord, and my eyes were fixed on his countenance. I asked myself what can that gentleman think of the people of England and of the Parliament of England—that, in the year 1851, after the experience we have had of so many centuries on this question—what can he think of our common sense, finding us discussing a question like this—an imaginary sentiment and nothing more, while so many great social and political problems are pressing upon the attention of the country and of Parliament, and which it so strongly behoves us rather to discuss and to settle? But, however, we have legislated upon it in past times, and therefore, in any case, it is a question which may be discussed in this House; for now, the noble Lord asks us to legislate more upon it. Now, the real question which we have to consider while this subject is before us is this—how has our past policy tended to correct or to suppress the Roman Catholic religion?—how has it tended to lead the people from the pale of that religion; and how has it tended to make this, what the constitution supposes it ought to be, and what the noble Lord boasts it is, a Protestant country and a Protestant empire? Now, in Ireland there can be no doubt that the Roman Catholic religion at this moment is more prevalent than at any former period since the English conquest of that country. One hundred and thirty years ago a distinguished Irish Primate said that at that time in that country there was one Protestant to five Catholics; I believe, at the present time, the proportion of Protestants to Catholics is still less. I have no doubt, indeed, that the tendency of all our policy in past times with regard to Catholics in Ireland, has been to give strength and permanence to the Roman Catholic religion, and to make it impossible that Protestantism should ever take root in that country. But it is said that in England Catholicism is making progress. I do not much believe that. I believe few Englishmen who are of a different religion ever become Roman Catholics. There is a very large immigration from Ireland to England; and, as far as Lancashire is concerned, there are many families who have been Roman Catholics in all times, and who still remain so. This is the case in Lancashire more than in any other county in the kingdom, I believe. But, in Lancashire, as elsewhere in England, the great bulk of the Catholics are Catholics imported from Ireland. But I am satisfied that, in this country, whatever there is of conversion to what is called Popery, of conversion to a belief either in the Church of Rome or in the Pope of Rome, or to the principles acknowledged by and held by, the Church of Rome, is found among the clergy of the Established Church. Very few of the laity, indeed, I think, are really infected with these principles. Let us look for a moment at the Irish case. We are a Parliament sitting here, the successors of the Parliaments who had this question before them for hundreds of years, whose aim it was to exterminate Catholicism by exterminating Catholics, and who, at one time, drove all the Roman Catholics of Ireland, with few exceptions, into a species of exile beyond the Shannon. From 1690 to 1775-8, the most stringent penal laws were enacted against the Irish Catholics; and it was not because those Parliaments cared one straw for religious liberty that any relaxation in that frightful code took place, but because England was engaged in a dangerous war with the United States, and it was hoped that a relaxation in that code might arrest threatened disaffection in Ireland, and might tend to unite the two countries while the war was being carried on. From that period down to 1829, the process was one of gradual, but slow, relaxation. Every little privilege, and every petty right, gained by the Catholics of Ireland was gained by incessant struggles, and was opposed by large parties in this country, and by one party in Ireland, with a determined and relentless resistance. From the middle of the twelfth to the sixteenth century this country was engaged in conquering Ireland. From the middle of the sixteenth to the end of the eighteenth century, this country was engaged in converting the Catholics of Ireland by force; and from the end of that period up to within twenty years ago it was a system of gradual but slow relaxation. Then we had tried the old system long enough, and any man who had any intellect whatever might have become convinced that a policy which had failed, after such a trial of hundreds of years, with all the power of the Government of this country to back it, was a policy which had no element of success whatever in its composition, and which might as well be abandoned. But, besides, there has been in Ireland an institution which has many friends in this country. The hon. Baronet the Member for the University of Oxford is a great friend of that institution. The Irish Church—for I believe it is no longer to be called the Established Church, but the Irish branch of the United Church—has lately become alarmed, and does not thank the noble Lord at the head of the Government for his celebrated letter, because that letter calls attention to the existence of this Church in Ireland. The safety of the Irish Church depends on its being entirely overlooked. This Irish Church is an institution, if I understand it rightly, placed in Ireland for the purpose of converting the Roman Catholics of that country; for the purpose of being the bond of union between Great Britain and Ireland. Observe, now, what this Church has had at its disposal. It has had the whole power and favour of the Crown, and the whole power and favour of Parliament. It has had all the laws Parliament could make to help it, and it has had the whole administration of these laws in its own hands. It has had the army and the police at its disposal. It has collected rates from all the Catholics of Ireland, and it has carried on a war with the peasantry for tithes, to that extent that it has been acknowledged by Lord Stanley, the leader of Gentlemen opposite, that to gain 12,000*l.* value of tithes, the Government of this country, aiding the Irish Church, had to spend 28,000*l.* in military and police. It has had all the patronage of Ireland at its disposal; it has had all the dignitaries of State. It has been, in short, a Church of ascendancy and of domination in Ireland. What is more, it has had an amount of property at its disposal equal to at least a principal sum of 20,000,000*l.*, the annual income of which has been received by its bishops and its ministers. This Church has been allied with the civil power; and there has not been an act of oppression which the civil power has committed in Ireland which has not been committed either in obedience to that Church, or with its most cordial and constant assent. Nay, more, that Church has denounced every statesman who ever made an effort to give anything like freedom to the Roman Catholic population of Ireland. The noble Lord at the head of the Government has himself been denounced within my recollection by those in favour of the Church of Ireland, because he was suspected of being friendly to the rights and liberties of our Catholic fellow-subjects. And, after all, the Irish Catholics have not been exterminated, and their religion has not been suppressed. It is a common saying, and it is an accurate saying, that truth is indestructible. But let the House remember that there is another thing which is indestructible, and that is a persecuted error. Now, I hope those Gentlemen who sit near me, I allude to the Irish Members, will not for an instant suppose, when I speak of their church as being a church of error, that I am to be understood as saying anything offensive to them. I hold opinions very different from the opinions they hold, and would treat their church with all the deference and consideration which I could ask them to maintain towards my own. I was stating that this Irish Church had been leagued with the civil power. I recollect a saying of a very ancient father of the church, who lived, I think, in the eighth century, which is applicable in this case. Speaking of the difficulty he found in converting the Saxons, he said of the missionary clergy, that had they entered on the work of conversion with kindness and generosity, had they been as zealous in manifesting Christianly conduct as in collecting tithes —*Sint Prædicatores, non Prædatores*— had they been preachers, not plunderers— their difficulties would have been considerably less. The Church of Ireland said to the Government of this country, "If you will defend me with the sword, I will defend you with the pen;" and so these two powers have always gone together in Ireland; and the result is this, that I think it capable of demonstration that the system pursued by them together—assuming the Catholic religion to be less pure than the Protestant religion—is at the root of that extension of Catholicism which we now find in Ireland, and is the real cause of that pertinacious adherence to the Church of Rome which has characterised Ireland more than any other Catholic country in Europe. I wish hon. Gentlemen could for a moment imagine themselves Irish Catholics, with this Protestant Church and this Protestant State ruling them as the Irish Catholics have been ruled, and you will at once see that the system we have adopted would have been enough to make Catholicism not only a faith, but a patriotism—and that every Irishman who abandoned Catholicism and became a Protestant, abandoned not only his church, but committed himself to a party who were the greatest enemies to the peace and tranquillity of his country. Well, the Catholic religion triumphs; and the territorial system you adopted is now breaking down by the dispersion of landed property under the Incumbered Estates Act. That territorial system oppressed the peasantry, and has so greatly impoverished them, that annually, for some years, great numbers of them have been forced to exile themselves from Ireland. Lancashire, and all the great towns and other places where employment is to be had, are now crowded with a population which, but for the Government of this country with regard to Ireland, would have been living comfortably, and industriously, and prosperously in their own land. Well, this is a fitting retribution. I wish some one capable of such a work would write a history of the retributive justice which has overtaken this country in relation to its dealings with Catholic Ireland. Catholicism, we are told, is spreading; and I admit that it does appear to be spreading. But I believe those appearances arise from the circumstances I have before referred to. Our legislation, then, has borne fruits to Rome both in Ireland and in England. Let us inquire as to England. England shows symptoms of returning to Rome. But where are these symptoms? In the people or in the clergy? Why, the noble Lord's letter tells us where it is. The noble Lord has discovered that that great institution, which was supposed to be the bulwark of Protestantism, turns out to be a huge manufactory of a national or home-made Popery. I do not mean to say that those who are retrograding are willing to recognise the supremacy of the Pope; but it is a fact that they do adopt the principles of the Papal religion, such as a sacramental Church, the special powers of priests, and the subjugation of the mind to the priestly influence. I recollect travelling with a clergyman of the Church of England lately, and he said frankly that he thought the great evil of this country was its Protestantism. Again, this very month it happened that I met two clergymen in one day—and they quite as frankly told me that they did not hold the doctrine of the supremacy of the Queen with respect to the Church at all. Turn for a moment, then, and consider this English Church. This English Church has been established very much as it now is for nearly three hundred years. It has been called the bulwark of Protestantism. Let us examine what this Church has had at its disposal; and I will, if I can — but many will think I cannot, doubtless—examine it with something like impartiality. It has had the Universities of Oxford and Cambridge at its disposal. Dissenters, I believe, cannot go at all to Oxford, and they do not get on very well at Cambridge. It has had some two dozen bishops in the House of Lords. The noble Lord at the head of the Government said to-night that he was strongly opposed to ecclesiastical influence in temporal affairs. Why, if we walk to the other House, we see twenty-four or twenty-six bishops, and it is a remarkable fact that they always sit behind the Government. When a Minister crosses the House the bishops stay where they are ; they always keep the Government side. One of these bishops, or rather an Archbishop, has an income of 15,000*l.* a year. I heard the noble Lord, when this Archbishop was appointed, state that an arrangement had been made by which the salary would be brought down from its hitherto unknown and fabulous amount, to this 15,000*l.* a year; and the noble Lord said, with a coolness I thought inimitable, that he hoped this would be quite satisfactory. The noble Lord, however, has a humble idea of his own services, and did not propose on the Salaries' Committee of last Session to give the chief officer of the Government more than 5,000*l.* a year, though it would be difficult to say what bishop had ever done one-tenth of the service to the country which the head of the Government was in the habit of performing. Not only, however, here, but wherever they travel, these bishops and archbishops are surrounded with pomp and power. A bishop was sent lately to Jerusalem ; and he did not travel like an ordinary man—he had a steam-frigate to himself, called *The Devastation.* And when he arrived within a stone's throw, no doubt, of the house where an apostle lived, in the house of Simon the tanner, he landed under a salute of twenty-one guns. The other day in a Bombay paper I saw that the Bishop of Madras had been leaving that port, and as he passed out he was honoured with a salute due to his rank and dignity. I believe hon. Gentlemen on the other side of the House think more honour due to bishops than to peers, and consider that to speak against the Established Church is a sort of crime very nearly akin to high treason. This Church of England has the Crown in its favour, the Parliament at its back, and the noble Lord himself has a compact with the bishops. This has been the case since the noble Lord has been in power from 1846, having, no doubt, taken warning by what took place when he was formerly in office. He has obviously a league offensive and defensive with the bishops; he is to let the bishops alone, and they are to let him alone. This Church has the Army, the magistracy, and the police, at its disposal and in its favour. It has from 10,000 to 15,000 priests spread over all the parishes of England. One half of these, 5,000 are presented by private patrons. I make no charge against these ministers of the Established Church. Many of them are not to be surpassed by the ministers of any church. There can be no doubt that the Church which has stood so long, and which retains still so much of the affection and respect of the people of this country, must contain within its borders great numbers of men of great piety and great services, and is not to be treated lightly. But still it is a church of ascendancy and domination. It has had votes of money from Parliament to almost an unknown amount. It has a revenue of millions, of which the Parliamentary plummet has never sounded the depth. Well, and where now is this Church? In the year 1850, after an existence of three centuries, it has not only not saved the country from the Pope, but, according to the statement of the Prime Minister, it is deeply infected with Popery itself. Now, I ask, if your machinery in any other department had as totally failed in effecting the purpose for which it was established, would you not entirely get rid of it? This Church took its original from Henry VIII.; it was fixed where it is by Elizabeth, she hating the Pope at Rome because she was herself Pope at home, and it was to her imperious and tyrannical despotism more than to anything else we owe the fact that what was called the Reformed Church of England is not really reformed. I do not blame this Church as being worse than any other church. I only say that any other church, under similar circumstances, would have brought about the same result. In the reign of James I. it was a church of tyranny and persecution. In the reign of Charles I. it did much to overturn the monarchy; for prelacy united with the Crown was so heavy, it sank the Crown. In Charles II.'s time Dissenters were persecuted right and left; and all the members of the sect to which I belong were, I believe, at one time in prison. This went on to the time of the Toleration Act. Well, the revenues of the Church still remain enormous—no one knows how much, for Parliamentary orders are never properly complied with in this matter—but the Church is still the opponent of every legislative reform. The Church was a political Church to begin with as its articles show, and as long as it was merely a political church it worked on tolerably harmoniously. But there is a new danger to the Church just now; and I believe that its own most honest members are now unconsciously so acting as to ensure the final overthrow of the establishment. Looking to the present condition of the Church, I really feel commiseration for it myself. [*A laugh.*] Yes, and I can feel a sympathy for the Wesleyan body, rent as it is with a schism. It is indeed not a light matter that any church should be afflicted with the troubles which now afflict the Church of England—its characteristics disputed by its own preachers—its creed questioned by its members; and split up, as it is, into three or four—at least three—bodies. Sects of Dissenters feel no kind of hostility towards each other, compared with the deep and abiding hostility actuating the different sects of this one Church. I believe there is not a man in this House would say that the Church of England would last for a month as a united Church, if it were not for its connexion with the constitution and government of this country, and if it were not for the vast revenues which are placed at its disposal. In such discussions as these the principle of the establishment must come up. Well, Ireland repudiates your Establishment; and so far as it exists there, it will have to be abrogated. Scotland, where the great majority of the population is Presbyterian, also repudiates your Establishment. In Wales, nine-tenths of the people are Dissenters. In England a very large and intelligent, and powerful portion of the population repudiate your Establishment, as well as your ecclesiastical supremacy. The measure, then, introduced by the noble Lord at the head of the Ministry, is in my opinion—and I speak it not offensively—nothing better than a sham. I believe the only effect of it can be an attempt to bolster up the ascendancy so long maintained by the Church Establishment, an establishment, the noble Lord says, the most tolerant on earth. This pretence of the noble Lord for religious liberty — I use the phrase in no offensive sense—is just now very curious. He forgets there is an ascendancy Church, which, whilst it repudiates the advances of Roman Catholics on the one hand, also repudiates the advances of Dissenters on the other. I admit there are some Members of the dissenting body joined with him in this cry. There exists a body calling themselves the representatives of the three denominations of Protestant Dissenters; they have the privilege of audience of the Queen, and seem eager to seize every opportunity of exercising that privilege. However, these do not represent the Dissenters of this country. Many of them reside in London; and their influence is almost unknown in the country. In the north of England the Dissenters have unanimously held aloof from the roar that has been got up in reference to this question. For the benefit of the Dissenters, and for the information of the noble Lord, I would like to state one thing that, in my mind, bears much upon this question of religious liberty. I was lately reading the life of Dr. Fletcher, of Stepney, a minister of the Independents. I want to show how Dr. Fletcher, who enjoyed the privilege of presentation to Her Majesty, was treated by the Church which has just been represented by the noble Lord at the head of the Ministry as a most tolerant establishment. On the 14th of November of the same year (1841), he (Dr. Fletcher) preached a sermon on the occasion of the birth of the Prince of Wales, which, at the request of his young people, he published, under the title of *The Birthday*. This was not only the last sermon he ever published, but also the occasion of a correspondence which deserves mention, as illustrating the position in which the Established Church of this country places all who are not of her pale in reference to the Sovereign of the realm. Thinking that the relation of the sermon to an event in which the sympathies of the Queen and the loyalty of Her subjects were alike concerned, justified such a course, Dr. Fletcher transmitted a copy of the sermon, through the Lord Chamberlain, Earl Delawarr, to Her Majesty, with the following note:—

> "Her most gracious Majesty's acceptance of the sermon accompanying this note is humbly requested by Her Majesty's most loyal and devoted subject, J. Fletcher.
>
> "Mile-end-road, Jan. 17, 1842."

In the course of the next month, Earl Delawarr sent a note to Dr. Fletcher, stating that, after having given to the request every consideration in his power, he had arrived at the conclusion that it would be inconsistent with his duty, "as a public officer," to present the publication to Her Majesty, as it had not, and obviously could not, have "the sanction of the Established Church." Dr. Fletcher wrote in reply to this communication, asking for more definite reasons, if they could with propriety be given, for refusing to place in the hands of Her Majesty a sermon, which was not only expressive of personal gratification on the part of the author at the event which occasioned it, but which might be considered as a specimen of the loyal and affectionate feelings with which a large class of the subjects of the realm regarded Her Majesty. He did not call in question the right of Earl Delawarr to exercise his discretion on all works sent to him for presentation; but having frequently been presented to Her Majesty in the capacity of a Dissenting minister, and as a member of a body whose privilege of approach to the Throne on public occasions was acknowledged ever since the reign of Queen Anne, he felt it somewhat strange that the mere circumstance of his not being a minister of the Established Church should now be the reason for refusing to comply with his request. The Lord Chamberlain returned the following answer:—

> "17, Upper Grosvenor-street, March 12, 1842.
>
> "Sir—In reply to your note of the 9th instant, I have the honour to state that I consider the fact of your discourse having been delivered in a dissenting meeting is of itself sufficient to justify me in declining to present a copy of it to the Queen. With many apologies for having detained the copy so long, I have the honour to be, sir, your obedient servant, "Delawarr."

Now, I do not think that that shows any great disposition on the part of the Church, or of the Government of which the noble Lord (Earl Delawarr) was a Member, to regard the Dissenters and Churchmen with an equal eye. I could show how this Church acts year after year. I could show how a gentleman of the same name as the noble Lord the First Minister of the Crown—but I should be sorry to think a member of his family—in a parish of this city enters, not bodily but by proxy, a meeting-house of the society to which I belong, and where their meetings are held, and annually strips it of its furniture—some forty chairs, with tables, which, year after year, are removed to pay the minister of the most tolerant Church on earth. Yes, in the midst of this great city, whose municipal and parochial authorities have absolutely frightened the world with the hubbub they have raised on this question, such acts as these are of annual occurrence. But allusion has been made by the hon. and learned Member for Sheffield to the treatment which a question like this would receive in America. I wish to give an illustration of the way in which the Roman Catholic religion is there dealt with. In the United States the Roman Catholic religion is professed chiefly by the emigrants from Ireland and from Germany. I was lately speaking with an intelligent gentleman of that country, and one well acquainted with religious parties there; and he assured me it was a rare thing to find a native American become a Roman Catholic. The emigrants were of that faith, but many of the succeeding generations went out of that communion. The ceremonies of that Church were not so rigidly carried out there as they were here. The gentleman assured me there were cases of secession from the Roman Church, such as were never known and never would be known in this country under the existing system. I find the following paragraph in an American paper, the *New York Independent* :—

> "The Philadelphia papers of Saturday contained a notice of the organisation of a new German church in that city on the next day, composed of a number of Catholic German families, who have openly seceded from the Roman hierarchy. These instances of secession have become quite frequent; and, as the influences of our free Protestantism are felt, will become very much the fashion of the emigrants, particularly the Germans. In Cincinnati, the editor of the *Louisville Herald* states, there are already seven of these communions, some reformed, others evangelical, and all independent. They receive the Scriptures as the rule of faith, and many have the appearance of truly converted persons. All the churches have pastors, four of whom are regarded as rationalists, and the other three as evangelical and highly exemplary. In other cities the same is true—probably, in most of the larger cities, there is more or less of this distinctive secession from Rome. What with these refractory emigrants, and the universal tendency of the children of Catholics to think for themselves, the prospects of Popery in this land are not so bright as to discourage Protestant labour and prayer for their good. The field which is thus opening before the church is exceedingly broad and promising."

This American gentleman also informed me of a circumstance that had occurred at Baltimore. In that city there is a church with a congregation of some 200 members, and two clergymen, who lately seceded from the Church of Rome. What was their conduct in seceding from that church? They fixed a day to meet their congregation in the chapel. They had lighted candles in the church, with curtains excluding the light of day through the windows. One clergyman delivered a discourse containing not a single word of vituperation as regarding the church he was about to leave, but stating plainly, clearly, and forcibly his reasons for seceding. At the close the candles were put out and the curtains drawn from the windows: thus as it were excluding the artificial light for the broad beam of day. But as long as the Church of England acts as she does, there can be no secession from the Church of Rome, or from any other persecuted church. The system of the Church of England makes it impossible for her to make converts from the Roman Catholic Church. Lord Burleigh, the great Minister of Elizabeth, who was not at all favourably disposed towards the Puritans, used to remark that, "though the Puritans were too squeamish in their scruples, their catechising and preaching were the best means of preventing the growth of Popery." I must confess, were I a Roman Catholic, it is not by being dragooned into a belief that would make me accept it. No, but by being encouraged and assisted in the discovery of truth, and then, when I had found it, to embrace it. And, let me tell you, until you get rid of this system of oppression by the power of law, I believe the Roman Catholic religion will continue to submerge not alone Ireland, but also a great portion of this country. As for the measure introduced by the noble Lord this evening, I believe it to be quite impotent for any useful purpose. If the matter was worth the trouble of writing his celebrated letter, and the outcry he has made about it, it was worth a more substantial measure of legislation. But this Bill, if it is to have any effect, is but a further step in a long career of legislating against the Catholic religion—a career which has been wholly unsuccessful; or it is intended further to bolster up an Establishment opposed to civil liberty, and deeply infected in its clergy with all that is evil in the Roman Church. I will neither legislate against the Catholics, nor in support of the Establishment; and however much the noble Lord may succeed in gratifying the passions, or in satisfying the prejudices of his followers out of doors, I see nothing but evil in the course he is pursuing, and therefore I must withhold my consent from this mischievous Bill.

MR. DISRAELI: Sir, I wish to recall the attention of the House for a moment from that controversial rhetoric, of which, I fear, the policy of Her Majesty's Government affords the House a considerable prospect for the rest of the Session. I wish to state the reason why I shall give my vote for the introduction of this measure. I shall do so because I think it important that the people, the community in general, should see what is the result of that remarkable agitation which has been fostered by the Government, and which has led, I admit, to a national demonstration, seldom, perhaps, been equalled. I cannot but think that, to-morrow, when the report of the contents of this Bill shall become known to the country, there will be experienced a feeling of great disappointment, I will add, of great mortification. Let us remember for a moment what this Bill is intended to combat. It is to combat "an aggression." Let the House remember the origin of that now familiar but fearful term. It was the expression of the Minister, selected by himself, and offered to the country as a reason for that appeal, both to the passions and the reason of the nation, which he in his wisdom felt it his duty to make. This, then, is the weapon by which the First Minister of the Crown, after three months of unexampled agitation in the country—after three months of consultation with his colleagues—this is the weapon which he has prepared for defending the Church and the State from that great "aggression" which he has so vehemently denounced. I confess I do not think that the weapon in equal to the office for which it is intended. I think that many persons will be of opinion that it is a somewhat small result after the antecedents that had so attracted public notice. Was it for this that the Lord High Chancellor of England trampled on a cardinal's hat—amidst the patriotic acclamations of the metropolitan municipality? Was it for this that the First Minister, with more reserve, delicately intimated to the assembled guests that there had been occasions when perhaps even greater danger was at hand—as, for instance, when the shadow of the Armada darkened the seas of England? Was it for this that all the counties and corporations of England met? Was it for this that all our learned and religious societies assembled, at a period the most inconvenient, in order, as they thought, to respond to the appeal of their Sovereign, and to lose no time in assuring Her Majesty of their determination to guard Her authority and Her supremacy? Was it for this that the Universities of Oxford and Cambridge—that the great city of London itself—went in solemn procession, to offer at the foot of the Throne the assurance of their devotion? Was it for this that the electric telegraph conveyed Her Majesty's response to these addresses, that not an instant might be lost in reassuring the courage of the inhabitants of the metropolis. And what are these remedies? Some Roman Catholic priests are to be prevented from taking titles which they had already been prevented, to a very considerable extent, from taking by the existing law; the only difference being that now they are to be prevented from taking a territorial title which has not been assumed by a Prelate of the National Church; while it seems that to that provision there is to be attached a penalty. But a penalty to what amount? One of 40*s*., perhaps. That is not yet stated, but a penalty of that amount would, in my opinion, be worthy of the occasion. Is this all? Is a piece of petty persecution the only weapon that we can devise on a solemn political exigency of this importance? At the best, a great political exigency is met by a remedy purely technical. Not a single principle is asserted; not a single principle is vindicated; and in my opinion no substantial evil will be remedied. But mark the address by which this insignificant project is introduced. I grant you that between the project and the proem the difference is most significant. If the noble Lord had been about to introduce a proposition for the revival of the penal laws, the proportions of his speech could not have been more colossal. Sir, I well remember that when the letter of the noble Lord first appeared, an appeal was made to me by my constituents, and I recommended them to pause before they acted, and thoroughly to understand the question which was at issue. I told them it was not sufficient to record their loyalty to the Crown, and hurry on to some hasty, and, probably, some crude act of legislation; but that this was a wide, a comprehensive question, and that it was impossible to legislate for England on the subject without at the same time legislating for Ireland. What was the answer of the authorities apparently connected with the Government, and who at that season of the year could alone influence opinion? They derided the idea of legislating for Ireland. We were told that was an exceptional case; that the circumstances were perfectly distinct; and that it was not the intention of the Minister to make his measure apply to Ireland. But mark the speech of the Minister to-night. It was no longer the Papal aggression of October or November that the noble Lord lays down as the foundation of these new laws. I find the noble Lord going at once to Ireland, and seeking, as the basis of his legislation, the Synod of Thurles, and not the visit of Dr. Wiseman to England. But, after having treated the question of the Synod of Thurles in a spirit, I am bound to admit, worthy of the subject—which is a great, a serious, even an awful subject—what does the noble Lord do? He immediately introduces a Bill which bears no reference whatever to the Synod of Thurles, or any synodical action in any of the kingdoms of Her Majesty. Why, these are inconsistencies which, after three months of inconsistencies, I confess excite my astonishment. I did expect that the Government, after their frequent councils, and the opportunities which they possessed of becoming acquainted with the state of public feeling on the subject, would at least have brought in a measure consistent with the exposition of the First Minister. And now, Sir, what is the excuse, if I may use the term, or what is the reason given by the noble Lord to-night for this strange contrast between his introductory statement and his remedial proposition? It is, forsooth, that he begins to believe that the business is an insignificant one. How does the noble Lord now describe the Papal aggression—that Papal aggression that for three months, through the instrumentality of the noble Lord, has excited the passions of the whole people? The Pope's letter is described to-night as a "blunder of the sudden." It is now the opinion of the noble Lord, that, after all, the conduct of the Pope has been nothing more than a "blunder of the sudden"—a somewhat strange phrase, and one which, perhaps, some persons might think applicable to some other letters. But, Sir, I cannot admit that the conduct of the Pope has been precipitate, or not duly matured and considered. I form this opinion from circumstances of public notoriety, and from the gradual occurrence of incidents and events, which, I think, might have well justified his Holiness in the course which he has adopted. When I recollect what has occurred in Ireland and in the Colonies with respect to Roman Catholic bishops—when I recollect that the Viceroy of Ireland, the representative of our Sovereign, has been in indirect communication with the Pope himself—that he has expressed his veneration, his high veneration, for the character of his Holiness—that he has consulted him and deferred to his judgment—I cannot agree to the allegation of the noble Lord, that the conduct of the Pope, right or wrong, was a sudden act, or was a course of behaviour or policy adopted without due reason and due encouragement. But besides all that occurred in Ireland and in the Colonies with respect to the introduction of Roman Catholic prelates; besides the letter of Lord Clarendon—a letter which has never yet been vindicated—in which the noble Lord expressed for the Pope a feeling of veneration, and deferred to his judgment—I cannot forget the manner, not very long ago, in which the First Minister of the Crown expressed himself, on the subject of a Roman Catholic Relief Bill. The passage is one to which I referred the other night from memory, but which, strange to say—numerous as have been the citations from the speeches of the noble Lord—has never yet been quoted during these debates. According to our authoritative record, thus spoke Lord John Russell in the month of July, 1845:—

> "He believed they might repeal those disallowing clauses which prevented a Roman Catholic bishop assuming a title held by a bishop of the Established Church."—[*Hansard*, Third Series, lxxii. 290.]

The noble Lord saw no objection whatever, a few years ago, in the year 1845, to a Roman Catholic bishop even assuming a title held by a bishop of the Established Church. He had no objection then to Dr. Wiseman's coming to this country, and styling himself Archbishop of Canterbury. The noble Lord proceeded as follows:—"He could not conceive any good grounds for the continuance of this restriction." Now, does the noble Lord suppose that the opinions of so eminent an individual on a subject of such paramount interest are not duly noted and duly known—that such opinions, expressed in the House of Commons by such a man, are not immediately furnished to the Vatican? And when the Pope was aware that these were the opinions of so eminent a personage—when the representative of our Sovereign was himself indirectly communicating with him in a tone of deferential homage—when he might read in the records of the Irish Court that his archbishops and bishops took the highest precedence—an unfortunate occurrence, now satisfactorily accounted for, though a more convenient subordinate never yet appeared in a public discussion—I ask the House, is it just, is it fair, is the noble Lord authorised to state, to-night, that the conduct of the Pope was "a blunder on the sudden?" Sir, I need not enter into the question whether a formal communication was made or not to my Lord Minto upon this subject. But this I will say, that we have heard details to-night which prove that some communication was made; and certainly I am very much surprised that an envoy on a mission so confidential, after having been apprised by the candour of his Holiness that there was something here which touched England nearly, should never have had the curiosity to ask what it was—that he should never have had the curiosity to say, "Pray, what is it?" In his next mission I have no doubt that Lord Minto will profit by his past experience; and I might observe, that of all public men employed in public missions, Lord Minto has run the most remarkable course. There are financial reformers present who have animadverted on, among other things, the diplomatic expenditure of the country. Now I confess, that so far as I can form an opinion from the operations of the distinguished amateur, whose name has been so frequently brought before Parliament of late, I have been led to the conclusion that in the case of missions, whether open or secret—whether for war or for peace, or even for religion, it would be better to employ the services of a professional diplomatist. In my opinion the course which Her Majesty's Government are now taking is not merely one very unsatisfactory as regards the present, but extremely perilous for the future. I think it a great evil, after all that has occurred, to baulk the feelings of a nation; but I regard that as a minor evil compared with the prospect which is held out to us by the noble Lord this evening, of ulterior measures and of future legislation. The noble Lord seems to me to have chalked out for himself an illimitable career, which is to commence with petty persecution, and perhaps terminate with national disaster, while it can never accomplish a solution worthy of a great statesman and a great public emergency. What is the prospect before us? Suppose there is another Papal aggression—and by the encouragement which the last has received, I think we may count on the probable occurrence of such an event—there is then to be another measure adapted to the new insult on the supremacy of the Sovereign. We are then to have party passions still more embittered; public prejudices still more excited, rancour, hatred, malice, and the *odium theologicum* prevalent among all classes. A new measure will probably produce another aggression, another "blunder of the sudden;" and these "blunders of the sudden" may be perpetually recurring year after year, to be met by some law "of the sudden," though I am afraid not so certain in the result. Thus we shall have the Whigs governing England again by a continual "Popish plot," which is never to be brought to a head. Sir, in my opinion the existence of a Roman Catholic hierarchy in a Protestant country, not recognised by the law, is a great political evil. To reconcile the recognition of such a hierarchy by the law with a sacred and complete respect for the civil and religious liberties of Roman Catholics, may be a political problem difficult to solve. But although difficult to solve, its solution is not, in my opinion, impossible; and that not by a *concordat* with any foreign Prince, but by the internal and essential power of the English Parliament. I do not say that it is a political difficulty which any cautious statesman would, under any circumstances, have courted—I do not mean to say that it is a subject which a man would have gone out of his way to bring under public notice; but I say this, that when a statesman has taken the course which the noble Lord has taken, he is bound to attempt to solve that political problem—he is bound to introduce a measure equal to the occasion, and not to meet a great political emergency which he himself has fostered, if not created, by a technical remedy unworthy of the dignity of Parliament, and of the occasion which it pretends to cope with. That is the view which I take of the conduct of the Government. I will not oppose the introduction of this Bill. I think its introduction is the severest condemnation of their conduct for the last three months. But if the House should pass this Bill, let them remember that thereby they will have done nothing. They will still have failed in any way to cope with an exigency which they are bound to meet; and all they will have done will be, that they will have gained time—too brief to count in the history of a nation—only to have to encounter the same difficulties very shortly again, aggravated by our inconsistency, by the spirit with which we first recognised our danger, and the craven manner in which we afterwards shrank from meeting it.

MR. M. J. O'CONNELL said, that the country had, during the recess, been led to believe (as had been remarked by the hon. Gentleman who had just sat down) that Ireland was to be exempted from the operation of this Bill. Ireland, however, was included in the Bill, and for his own part he was not sorry for it. An hon. Friend near him, an Irish Protestant, had given notice of a Motion to alter that provision, but he hoped that he would not persevere in his Motion. He believed that most Irish Members wished the provision not to be withdrawn; for if wrong had been done by the English Catholics, the Irish Catholics shared with them in the offence, and, as the numerically stronger and more powerful body, they should not desert the weaker in a case like the present. Not only had the existing law been practically inoperative in Ireland on this question, but the supremacy of the Queen over the Established Church was an undeniable fact (whatever might be thought of its justice) in that country as in England; and therefore if a violation of it had been committed in the one country, it had in the other. The noble Lord had spoken of the loyalty of certain Roman Catholics in such a manner as to disparage that of others; he (Mr. O'Connell) did not feel his loyalty to the Queen of England at all affected by the noble Lord's judgment; but if the noble Lord meant to say that he and those who agreed with him, and who did not look on the proceedings of the Court of Rome as injurious to the Queen of England, or contrary to public policy, had diminished their loyalty in the slightest degree, he could make no answer to that imputation, because he could not make one which would be respectful to that House. He denied that the present case was at all parallel to the supposed one cited by the noble Lord at the head of the Government of a person landing in England with a grant from the Pretender, and proceeding to act upon it; for such a person would come at once under the penalties for high treason; while in the present case the noble Lord only proposed to inflict some trumpery fines. The Act of 1829 (sec. 24), prohibiting the assumption of the titles of sees, and quoted by the noble Lord as a precedent for his past legislation, has proved a dead letter, and he believed that the present proposition, after producing a little annoyance and irritation at first, would have no further effect. The noble Lord had referred to the Synod of Thurles and its proceedings with reference to the Irish colleges. He believed, however, that if the colleges proved a failure, that failure would be due, not to their old opponents, but to the conduct of the noble Lord himself. He knew large bodies of men in Cork and the neighbourhood who, up to November last, were strong well-wishers of the noble Lord, and supporters of the Government, who now felt great soreness, caused by the noble Lord's letter.

Sir R. H. INGLIS was unwilling that amongst the number of Members who had listened to the speech of the Member for Manchester, which was a most elaborate bill of indictment against the Church of England, there should not be one to give some answer to it. The hon. Member for Manchester, in his usual *ad captandum* style, referred to the proceedings of a clergyman of the name of the noble Lord at the head of the Government, with respect to a meeting-house of the sect to which the hon. Member belonged. The hon. Member did not state whether the clergyman bodily entered that meeting-house, or whether the furniture were seized by ordinary process of law. If wrongfully seized, the process of law might be reversed. But in point of fact it was well known to the hon. Member that the seizure was merely the mode by which the lawful dues withheld by the body to which the hon. Member belonged were secured. Then as to the other case which the hon. Member brought forward with great dignity, he (Sir R. Inglis) never heard of it before; but he apprehended that those more immediately connected with the Government of which the Earl De la Warr was an officer, would know more of the circumstances of the case than he did. This, however, he knew that the ordinary way to present anything to Her Majesty was, not directly to Herself, but through the functionary who was responsible that Her Majesty should not have anything presented to Her unworthy of Her acceptance. If this were so, there must in every case be the exercise of a discretion. He knew nothing of the sermon, or of the preacher; but he knew enough of the noble Earl to be satisfied that he did not act lightly in the matter. But, said the hon. Member for Manchester, "all this present outbreak is the bigotry of the Church of England; some few Dissenters, indeed, may have been entrapped by the delusion." Now he thought it was to the honour of the Dissenters of England that the two first petitions presented to that House during the present Session against the measure which formed the subject of the noble Lord's Bill, were presented by the hon. Member for Wolverhampton from two dissenting bodies. Then with respect to the emoluments of the Church of England—what the hon. Gentleman called the salaries of the bishops of the Church. Over and over again, he had declared in that House, and he now repeated, that there was no such thing as a salary allocated by Her Majesty's Ministers or by that House, to this or that bishop or dignitary of the Church of England. All that Parliament had done was, to lessen the amount of property hereditary in the respective sees; for when the hon. Gentleman spoke of the 15,000*l.* a year of the Archbishop of Canterbury, and asked if the noble Lord, or anybody else, were justified in saying that that was a satisfactory arrangement, he (Sir R. Inglis) told the hon. Member for Manchester, that it was only so much less than was left to that prelate by his predecessors. Now, with regard to the celebrated letter of the noble Lord at the head of the Government, he (Sir R. Inglis) should be ashamed of himself, after the frequent mention made of it on both sides of the House, if he did not thank the noble Lord for that document, for which he believed the Protestants not only of this country but of Europe were largely indebted to him. He (Sir R. Inglis) thanked the noble Lord also for his speech that night—he wished he could equally thank him for the Bill which he desired to bring in. He (Sir R. Inglis) could not but feel that there was too much truth in the statement which had been made, that this Bill would fall far short of the requirements of the case. However, he should not do justice to himself if he did not thank the noble Lord; and he would not be doing justice to his measure if he pronounced a decided opinion upon it when the Bill was not technically and regularly before the House. He hoped to be permitted to address the House more in detail on the subject when the noble Lord should have brought in his Bill, and had obtained the consent of the House to have it read on some future day. In the present instance he wished merely to say that he had been unwilling that the House should separate without his endeavouring to answer part of the speech of the hon. Member for Manchester, who had introduced a subject utterly unnecessary and uncalled-for, and irrelevant to the question before the House; and he believed that if any hon. Member had entered while the hon. Gentleman was speaking, it would have been considered by such Member that he was making a fit speech on a Motion for the abolition of the United Church of England and Ireland.

MR. REYNOLDS rose, amidst cries of "Divide!" He begged to move the adjournment of the debate.

LORD J. RUSSELL said, as far as he was concerned, that if any hon. Gentleman desired to address the House on the Motion for the introduction of the Bill, he had no objection to his doing so; and he hoped that the House would agree to an adjournment of the debate if any hon. Member was so disposed.

MR. REYNOLDS could assure the House and the noble Lord that he would not have proposed an adjournment if it did not appear that many hon. Gentlemen were most anxious to address the House.

MR. MOORE begged to ask the noble Lord, before the adjournment was put, whether he would favour the House with any inkling as to the details of this Bill, what it was—whether it was to constitute a mere misdemeanour—how it was to be tried—in fact, what were the details of the Bill.

LORD J. RUSSELL said, that the Bill must be brought in before the details could be explained.

Debate adjourned till Monday next.

The House adjourned at a quarter after Twelve o'clock till Monday next.

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HOUSE OF LORDS,

Monday, February 10, 1851.

ADMINISTRATION OF BANKRUPTCY LAW.

LORD BROUGHAM moved for Returns connected with the Court of Bankruptcy, in continuation of former returns which were ordered. He wished to take that opportunity of saying, that some observations he had made on a former occasion had been understood to convey some mistrust of the Bankrupt Commissioners. Nothing, however, could possibly be further from his meaning than to signify the slightest want of the most entire confidence in those most able, most learned, and most diligent officers. He had known them long, both at the bar and on the bench, and he would say that better or more able officers were never placed in any important judicial position in this country. He should also add, with respect to his right hon. Friend the Vice-Chancellor Knight Bruce, though there were fewer appeals in bankruptcy before him than formerly, that he had, in reference to those appeals, had an opportunity of displaying his great talents and acquirements, and that nothing could be better or more satisfactory than his administration of the bankruptcy law of the country. To which common justice to that most able, learned, and indefatigable Judge obliged him to add, that, independently of the bankruptcy business, he believed there never had been a greater sacrifice of time, or a greater bestowing of labour (labour ably bestowed, and time worthily sacrificed), than by that most learned and eminent Judge, during the three last months of the last judicial year. In consequence of the absence from illness of the late Lord Chancellor (Lord Cottenham)—in consequence afterwards of the absence from illness of the Vice-Chancellor Wigram, and of his late right hon. Friend the late Sir Launcelot Shadwell, the whole burden of the equity business of the country had been thrown upon his right hon. friend Vice-Chancellor Knight Bruce for the period of three months; and, during that time, he certainly had discharged all those duties, not merely the duties of his own court, but those which had devolved upon him, owing to the unfortunate circumstances which he had mentioned, not only with the greatest assiduity (amounting almost to a sacrifice of health), but with that learning and ability which all who knew that eminent Judge must have expected from him.

Returns ordered.

THE EARL OF SHAFTESBURY—ADDRESS TO HER MAJESTY.

The MARQUESS of LANSDOWNE would now move the Order of the Day, of which he had given notice, for the presentation of an humble Address to Her Majesty, in acknowledgment of the services of the Earl of Shaftesbury, who for so many years had filled the office of Chairman of the Committees of that House. In addressing their Lordships on this subject, he felt it was unnecessary for him to say much; because he was addressing an audience which, for a great many years past, had had daily opportunities of observing the Earl of Shaftesbury's demeanour while filling a most arduous situation, the duties of which had become more and more important with every passing year. It might be in the recollection of their Lordships, that the noble Earl had served in that post for no less a period than thirty-six years. During the last century, its duties were discharged gratuitously by Members of that House; and it was not till somewhat more than fifty years ago that it was thought necessary to create a new office for this purpose, with a salary attached. That salary Lord Shaftesbury had always received, and he was now entitled to a retiring allowance in acknowledgment of his services, and in testimony of their Lordships' satisfaction with the manner in which they had been performed. He would only further observe that, although no person, he believed, entertained stronger opinions upon many of the great questions that had divided that House and the country during the time he had passed in that situation, no circumstances whatever were allowed to influence him in the impartial, conscientious, and efficient discharge of the duties of that situation towards all persons. The noble Marquess then moved—

> "That an humble Address be presented to Her Majesty, humbly to represent to Her Majesty the high sense this House entertains of the ability, integrity, impartiality, and indefatigable industry with which the Earl of Shaftesbury has discharged the weighty and important duties of Chairman of the Committees of this House, and of the Private Committees of the same, for these thirty-six years last past; and by means of whose vigilant exertions, the honour and justice of this House in the administration of its legislative functions for the benefit of its various suitors by private petition, have been upheld and maintained with the utmost purity and dignity: that this House deeply regrets the misfortune of his Lordship's inability from infirmity any longer to execute the duties of that important office, and his necessary absence as a most serious loss, not only to this House in particular, but to the public at large; and most earnestly begs leave to recommend his Lordship's eminent and essential services to Her Majesty's most gracious consideration."

LORD STANLEY might, perhaps, be permitted to express the great satisfaction it gave him to second the Motion. He entirely concurred in the sentiments expressed by the noble Marquess in the statement he had made to their Lordships, and also in the words of the Address moved. It properly characterised Lord Shaftesbury as having managed the business which fell to him to discharge with great ability, impartiality, independence, and industry; and he was quite sure that their Lordships would cordially adopt the Address. He would only, in addition, express his firm expectation and belief that those valuable qualities which distinguished Lord Shaftesbury would not be found to sustain any diminution in the noble Lord who, a few nights ago, had been appointed to succeed him.

LORD BROUGHAM said, that, as he had filled the office of Speaker of the House during a portion of the time that the noble Earl had been Chairman of Committees, it was only natural that he should take this opportunity of bearing his unhesitating and willing testimony to the merits of his noble Friend. In the discharge of his duties, he must say that his noble Friend had always shown great diligence, great acuteness, and, above all, the most perfect and undeniable impartiality. He would merely add, that his noble and learned Friend (Lord Lyndhurst) had authorised him to express to the House his great regret at not being able to attend in his place, to bear his testimony to the services of the noble Earl.

Address agreed to *nemine dissentiente.*

MONEY-ORDER DEPARTMENT OF THE POST-OFFICE—CASE OF MR. MEASOR.

The EARL of ST. GERMANS would now present to their Lordships a petition from Charles Pennell Measor, late a clerk in the Money-order department of the General Post-office, complaining of the injustice of his removal from that office, and praying for inquiry into the allegations of the petition. He might mention that Mr. Measor, the father of the petitioner, was for many years secretary to the late Earl of Chichester, and had for the last forty years been postmaster of Exeter. There he had obtained the respect and esteem of the inhabitants, and there were few gentlemen connected with the county of Devon to whom Mr. Measor was not favourably known. In consideration of the length of time passed by his father in the public service, he (Earl St. Germans) was induced, some years ago, to recommend Mr. Measor, junior, to his noble Friend Lord Lonsdale, then Postmaster-General, to be appointed to a clerkship in the General Post-Office. Mr. Measor was so appointed, and held the situation for seven years, during which, on no single occasion, had any breach of duty ever been imputed to him. He had last Session detailed to their Lordships the case of the clerks of the Money-order department. He believed there was no public office in which clerks who had such important duties to perform, were so ill paid. There were about 130 clerks in this department, four only of whom received so much as from 180*l.* to 200*l.*, a certain number receiving 130*l.*, and a very large proportion receiving only 70*l.* a year. At present, after five years' service, a clerk was entitled to a salary of only 80*l.* a year. The consequence of this was, that those who were not assisted by their friends got into debt and difficulties, and a very considerable number during the last few years were recorded to have passed through the Insolvent Debtors' Court. He must say that he could not think it consistent with the dignity of a great country like this, or with true economy, to underpay services of this class. It was impossible that the clerks could discharge their duty faithfully and efficiently, unless for adequate remuneration. It had been said that the Money-order Office itself was not remunerative; but if you chose to confer a great pecuniary convenience on the public, surely that was no reason why the persons who discharged the duty, should not be sufficiently paid. The hardship of their case was, in the summer of 1848, aggravated by a new regulation: he believed there was no other public office, nor any other department of the Post Office, by which the clerks, in case of illness, were called upon to provide substitutes at their own expense, although they were utterly unable, not merely to provide the services of a substitute, but even to pay for the food, medical attendance, and service of which they stood in need, and would have no other resource than a public hospital. Consequently the new rule was a great aggravation of the hardship of their case, but nothing was done in the matter until in July, 1849, they presented a memorial to the Postmaster General, in which they stated their case, no doubt strongly, but he could not think either disrespectfully or improperly. A gentleman who now held what he must call an anomalous situation in the Post Office, Mr. Hill, of whose talents he wished to speak with every respect, as the author of a system attended with very great public convenience—the Secretary of the Postmaster-General—though what his precise functions were, or by what line of demarcation they were distinguishable from the duties of the gentleman who had so many years held the office of Secretary to the Post Office, he meant Colonel Maberly—Mr. Hill took a very unfavourable view of the conduct of these gentlemen. The loss occasioned to the public by the new system amounted to a sum little less than 1,800,000*l.*, and therefore he could not express very great surprise that the author of that system—wishing to place it in the most favourable light—should seek to cut down the expenditure; but he did think those gentlemen had been treated with a very undue degree of niggardliness. Mr. Hill addressed a letter to the clerks, animadverting in very harsh language on the terms of their memorial as disrespectful, and altogether controverting its statements. The clerks thereupon addressed a memorial to the Postmaster General, in which they expressed their strong belief that there was nothing disrespectful in their representations, and their regret if anything had been supposed capable of such an interpretation, they being most anxious to show the Postmaster General all due deference and respect. They adhered, however, to the statements they had originally made. They heard nothing upon the subject, as he was informed, for six months, and they began to hope that the explanation they had given was satisfactory to the noble Marquess and the authorities; but in the month of May the President, as he was called, or Chief of the Money-order department died, and the gentleman next in rotation, the senior clerk, it was expected would have been appointed, as he was considered perfectly qualified to fill the situation. He was informed that this gentleman was sent for by Mr. Hill, and told that, unless he not only withdrew his name from the memorial he had signed, and acknowledged the inaccuracy of its statements, but also promised that he would never again for the future be a party to any such communication, he would not be recommended to the Postmaster General for the appointment. The same offer was, he was informed, also made to the two clerks next in succession; but they all felt that they could not worthily accept it, having already apologised for any inadvertence of expression. They were all more or less directly interested in this matter, and were all anxious that it should be properly investigated and decided. Mr. Measor being known to him (Earl St. Germans), and having obtained his appointment on his recommendation, and being also the person who, with the consent and concurrence of the other clerks, drew up the memorial which was complained of, had come to him and asked him to call their Lordships' attention to the matter. Having filled the office of Postmaster General, and knowing many of those gentlemen, whom he had himself appointed, he thought himself perfectly justified in stating the opinion he had formed, without reserve, to their Lordships, in the hope, he would add, of eliciting a similar opinion from the noble Marquess opposite (the Marquess of Clanricarde). He did not bring the case before their Lordships without satisfying himself of the accuracy of the statements as to the offer made to the clerks, and the appointment of another gentleman to the vacant situation who had been a clerk in the Post Office of Edinburgh, from which he was brought in and placed over the head of all the clerks in the London office, who naturally regarded this as a great hardship. Mr. Measor had written to the noble Marquess, avowing himself the author of the memorial in question; on which the noble Marquess thought proper to intimate to him, through the president of the office, that he had been guilty of misconduct, and had acted improperly in communicating to strangers official documents, though those documents were literally nothing more than extracts from a memorial presented by the clerks to the Postmaster General, stating their case for an increase of salary. He could not think there was any breach of confidence or violation of official duty in this, however necessary subordination was for carrying on the public service. Unlike the army and navy, there was no court of appeal to hold the balance between the head of a department and the subordinate in the civil service; and, therefore, where a real grievance existed, it was the duty of that or the other House of Parliament, to take it into its cognisance. He felt that he had been the involuntary cause of this poor man's ruin, because it was in consequence of his advice to send his statement to the noble Marquess opposite, to give him full notice that he (Earl St. Germans) was about to bring the case forward, that this measure of punishment had been inflicted. He trusted, therefore, that the noble Marquess would take the trouble of reading the petition which he laid on the table, and he was not without hope that he would take a favourable view of the case of the petitioner.

The MARQUESS of CLANRICARDE said, if the noble Earl had made a Motion as wide as the range of his speech, and moved for an inquiry into the whole system of administration in the Money-order office branch of the Post-office, to such a Motion he certainly should not have offered any objection; but if, as he understood the noble Earl, he merely moved that the petition on the table should be referred to a Committee, whose labours should be confined to an examination of the statements of a petitioner relating to the official dismissal of a clerk, to that Motion he certainly must advise their Lordships to refuse their assent. A strong case of injustice or grievance, for which no remedy was provided, it would become them to hear, with the view of obtaining redress for the injured party; but he thought it neither consistent with the functions of that House, nor useful to the public service, to entertain the statements of an individual discharged from his office on a matter of quarrel between him and his superiors. Mr. Measor had appealed, with others, to him (the Marquess of Clanricarde). He had also, through him, appealed to the Treasury. To that course he had offered no objection or impediment. He had no complaint to make on that subject—he did not deny the right of the petitioner to appeal to Parliament, nor did he feel the least annoyed at his having done so. But this gentleman had committed other acts which he did not think could be countenanced consistently with what was due to the discipline, order, and regularity of a great public department, or indeed of any large private establishment. It could not be tolerated that a subordinate in a public or in a private office, having had a dispute with his superiors, should be at liberty to print and distribute circulars for the purpose of exciting public odium, and bringing the pressure of public opinion to bear upon his superiors—men who were acting conscientiously and faithfully in the discharge of the duties imposed upon them. In the printed paper which this gentleman had put forth, were extracts of official documents which could only be obtained through his being officially connected with the department. It could not be endured for one moment, that a clerk should copy and publish the minutes of the proceedings in the establishment which he served, and this too, for the purpose of prejudicing the public mind against his superior officers. But this was not all. The statement circulated abroad contained gross misrepresentations. He did not say any single three lines of it contained a falsehood; but its whole effect was to create an unfair and an erroneous impression to deceive those who read it. The noble Earl said, that he (the Marquess of Clanricarde) had been made aware of these statements before the Motion upon it was made last Session; but he never had any cognisance of the statement until the 6th of August, and the speech of the noble Earl was made on the first of that month. It was alleged that Mr. Hill had laid down as a rule, that no clerk should be absent more than three days at a time. Now, there was no foundation whatever for this allegation; but three days were mentioned in this statement in a way to make any one reading it infer that that was all the leave of absence allowed. Mr. Hill had been led to look into the whole system of leave of absence in the Money-order Office, and, finding it unsatisfactory, had laid down a new regulation. This person, for the six years in which he had been employed in the office, had had leave for twenty-four working days a year, whilst there were other clerks who had not had a single day in three years. He had had in the preceding year no less than thirty-seven days' leave of absence, whilst, as he had already remarked, other clerks were not absent for one day. Mr. Hill had, under these circumstances, requested him (the Marquess of Clanricarde) to adopt a regular system, and in April a plan was adopted which was now in full effect. The clerks in the Money-order Office were divided into classes, and twelve were counted in a class where it was calculated that eleven could do the work, so that by this means one might be always absent, and thus every clerk enjoy a month's leave of absence in the year. Now that was not an unjust nor a severe arrangement, but much more just and impartial than the old system, by which one clerk might be away for a considerable time, and another could get no leave of absence at all. They were allowed to work for one another, and in case of illness, if the absentee was away more than a month, he might have his work done by paying for it. This had been agreed to by all the classes but two; and there was now in the Money-order department of the Post Office, a case of a gentleman who had been ill for eleven months, during the last two years, and his colleagues worked for him without a penny of remuneration, knowing that he really was ill and unable to attend himself. The noble Marquess alluded to the case of Mr. Measor at some further length, stating, that he having violated official decorum, and acted in a manner which, if sanctioned, would tend to impair the efficiency of an important branch of the public service, there was no course left open but dismissal. There could be no ignorance in this case. He had dismissed a letter-carrier, the year before, for having circulated a printed statement reflecting on the conduct of his superior officers. He must once more observe, that he would have been glad if his noble Friend had proposed an inquiry into the working of the Money-order Office, because it would be seen how much improved that department was from its condition some years ago. It was an office of great importance to all classes, and more especially to the humbler classes of the community, of whose interests that House was ever careful, that there should be strict regularity, and all possible safety and despatch there. In 1847 the state of the Money-order Office was positively such that no man knew what were the liabilities and what the assets of the office—the accounts from the time it was first established had never been balanced, and the office was in the utmost confusion, and very far from being self-supporting. Since 1847, when Mr. Hill took the management, the business had increased 12½ per cent in amount, the accounts had been balanced, and were now kept in a manner to show at once what they owed, and what was owing to them; and whereas in 1847 the number of clerks employed in the entire office was 250, now they were only 174, being a direct diminution of clerks, with an increased business, of 76 in number; but if the old system which Mr. Hill abolished had been continued, there must have been 281 clerks; and therefore there had been a virtual saving to the country of the pay of 172 clerks in that one branch of the Post Office. When he had said, that he need not say any more in justification of Mr. Hill's appointment as secretary to the Postmaster General; but if he had been aware that that appointment would have been attacked, he should have been prepared to show that there had been various savings in other departments—in fact, in almost every branch of the Post Office. Never had there been a more economical measure than Mr. Hill's appointment; and, in addition to all the other amendments effected, the condition of the clerks in the Money-order Office had been very materially improved since that event. He confessed that he wished the clerks in the Post Office could be better paid than they were at present; but the noble Earl was aware that there were those who kept a very stringent hold upon the public purse, and it was impossible in large departments of the public service to obtain larger sums than were already voted. Undoubtedly the salaries of clerks in the public offices were not lucrative, but he did not think these Money-order Office clerks were the worst paid and hardest worked of any in this department. The noble Marquess concluded by repeating, that he would assent to any inquiry into the Money-order Office. but he must oppose any investigation limited to the petition on the table.

The Earl of St. GERMANS briefly replied. It was true he had slightly alluded to Mr. Measor's case in that House on one occasion before the noble Marquess received the notice, but it was not until the noble Marquess had received the statement, that he had gone into the details of the case, and addressed their Lordships upon it at large. He had looked attentively into the statements that had been sent him by the petitioner, and he did not find that it contained any improper aspertions or imputations upon the Post Office authorities of the kind stated by the noble Marquess; and he did not consider the publication of the particular documents in question any breach of confidence on the part of a servant in a public department. It was only in consequence of his advice that the party had inserted his name as the author of the statements in the paper which he had furnished to the noble Marquess; and he (the Earl of St. Germans) could not but feel that some—he would not say unfair, but—unkind advantage had been taken to visit the party with such a heavy punishment as dismissal. He would not, however, press his Motion for a Committee, still hoping that the noble Marquess would be induced to reconsider the subject.

The Marquess of Clanricarde

Petition read, and ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 10, 1851.

Minutes.] New Writ for the County of Glamorgan, *v.* the Earl of Dunraven, Chiltern Hundreds.

Public Bills.—1ª County Rates and Expenditure; Improvement of Towns (Ireland); Mills and Factories (Ireland); Apprentices and Servants.

THE EAST INDIA COMPANY.

Viscount JOCELYN said, he wished to know what course Her Majesty's Government meant to pursue with respect to the East India Company's Charter, which was to expire in 1854? The change effected in the charter in 1813 had been preceded by the inquiry of a Select Committee in 1809; and the change effected in it in 1833 had been preceded by a similar inquiry in 1829. It was true that on both those occasions great alterations in the charter had been contemplated; and such alterations had very properly undergone previous inquiries in that House. He wished to know whether a similar course would be pursued at present, and whether his right hon. Friend the President of the Board of Control proposed to move for a Committee on the East India Company's charter during this Session?

Sir J. HOBHOUSE said, that before answering the question of his noble Friend, he begged to state that his noble Friend had fallen into a trifling and a very common error in supposing that India was at present administered under a charter granted to the East India Company. The East India Company had certainly a charter of incorporation; but all those privileges which the old charter had given them had been done away with by the Act of 1833; and the administration of India was at present conducted under the clauses of an Act of Parliament. With respect to the question of his noble Friend, he had but to observe that his noble Friend had himself stated a very conclusive reason why the Government of the present day should not follow the course which had been pursued by the Government of 1813 and 1833. It was not their intention to appoint a Select Committee to inquire into that subject. But he had to add, that if there should be any material changes proposed in the Act under which the affairs of

India were at present administered, Her Majesty's Government, by giving ample notice of those contemplated alterations, would afford to that House an opportunity for their full consideration and discussion.

BLOCKADE OF SAN SALVADOR.

MR. T. BARING said, it appeared that on the 17th of October last a British brig, bearing a valuable cargo, had been boarded by a steamer in Her Majesty's service, and warned off the coast of San Salvador, although no previous intimation had been given to any parties of the intention of Her Majesty's Government to blockade that port; and up to this morning no official communication had been made at Lloyd's upon the subject, while the French *Moniteur* had contained a notification to that effect. The trade to San Salvador, although a small, was a valuable one, and some of our merchants had at present valuable cargoes on their way to its coast. Now those parties were naturally anxious to know what had been the cause of that blockade, and the circumstances which had accompanied its enforcement. He should, therefore, ask the noble Lord the Secretary of State for Foreign Affairs whether he could state or lay any papers on the table off the House explanatory of the cause of the present blockade by a British force off the coast of the State of San Salvador, in Central America; and, if the reason were the recovery from the Government of that State of claims of British subjects, whether he could state the amount of the whole of the pending claims, and whether there were any similar claims on any of the other States of Central America likely to be enforced in the same manner; and also, whether he could give any opinion as to the probable duration of the present blockade?

VISCOUNT PALMERSTON said, he had not yet received any statement that the blockade had been established, and he could not, therefore, have given any notification upon the subject. There were claims pending on the part of British merchants against the Government of San Salvador to the amount of about 20,000*l.*, and those claims had been at different times acknowledged by that Government. But excuses had been made for not meeting them, and the admiral on the station had therefore received instructions to take such steps for bringing the matter to a settlement, as he might, in communication with the Consul General, deem expedient. With regard to claims on other Governments in that quarter, he (Viscount Palmerston) was afraid that those acquainted with the nature of the intercourse of our merchants with the Government of the Spanish American Republics, must be aware that there was hardly a moment when there was not some claim between the English Government and some of those States. He should, however, except from that latter statement the Government of Buenos Ayres, which had behaved in a very handsome and liberal manner in protecting the commerce of all nations indiscriminately. There were certainly claims pending and in the course of negotiation on the part of British subjects against several other States of Spanish America. He trusted, however, that their sense of justice would induce them to bring the matters in dispute to a satisfactory settlement. With regard to the duration of the blockade of San Salvador, as well as of any other blockade which might be established, he had only to say that that must, of course, depend on the willingness of the Government of the foreign State to do that which, as in the present instance, it was bound to do by its own admissions. He should hope that the pressure of a very short blockade would be sufficient in that case, and he had only to add, that the course adopted by the British authorities was that which had been adopted on three different occasions under the administration of the late Sir Robert Peel, and was the only mode by which those States could be brought to act fairly towards foreigners.

THE EXHIBITION OF 1851 AND THE POLICE FORCE.

MR. STANFORD said, he wished to ask the right hon. Secretary of State for the Home Department whether the augmentation of the metropolitan police force, made in consequence of the National Exhibition, would be paid for out of the receipts of the Exhibition; and whether the Secretary of State for the Home Department had thought it necessary to convey any intimation to foreign Powers, through the proper channel, of the inconvenience that might arise of large bodies of foreigners visiting this country during the Exhibition in military uniforms, and wearing side-arms, &c.; and whether additional provision had been made for the safe custody of persons charged with police offences during the Exhibition?

Sir G. GREY said, that in answer to the first part of the question, with regard to the increase of the police force, he had to state that it was thought necessary that there should be an increase of the metropolitan police in consequence of the large number of visitors who were expected in the metropolis during the summer. That increase would only be limited by the necessities of the case. With regard to the mode of meeting the expense which would consequently be incurred, he had to state that the Royal Commissioners of the Exhibition would be required to agree to pay the cost of that portion of the police force which would be necessary for the custody of the articles exhibited and contained within the building in which the Exhibition would take place; and they would also have to meet the charge which would be created by the formation of a police force at the approaches to the Park, and in the immediately adjoining streets and avenues. The arrangements upon that subject would, in fact, be founded upon the same principle which was adopted in the cases of the exhibitions of the Royal Agricultural Society, and of other bodies. The additional force that might be required for maintaining order throughout the metropolis generally would be paid out of the general fund for the payment of the metropolitan police. No intimation had been made to foreign Powers, or at least no intimation certainly had been made by himself, with respect to any large bodies of persons who might come into this country in military uniform; and as he had no reason to think that there was any danger to be apprehended from that cause, he had taken no precaution upon that subject. In answer to the last question of the hon. Gentleman, he had to state that it had not yet been thought necessary to make additional provision for the safe custody of persons charged with police offences during the Exhibition; but if any such necessity should hereafter be found to arise, it would as speedily as possible be supplied.

PAPAL AGGRESSION — ECCLESIASTICAL TITLES — ADJOURNED DEBATE (SECOND NIGHT).

Upon the Order of the Day being read, Debate resumed.

Mr. REYNOLDS rose, for the purpose of explaining the reasons which induced him to oppose the Motion of the noble Lord at the head of the Government. In doing so, he felt that he had considerable difficulties to contend with. He might say, that those difficulties were so numerous and so serious that he might call them by the name of "Legion." He would beg to remind the House that he had to contend with a gigantic and powerful opponent—he meant the temporalities of the Established Church. And when he referred to the Established Church, he begged specifically to be understood that he was not referring to that establishment in its spiritual capacity, that with its spiritualities he had nothing to do—that he conceded to its members what he claimed as a right for himself—perfect freedom of conscience, complete liberty in religious belief. But that which he had to do with was its temporalities; because it was to the possession of those temporalities he might attribute all the insults to which his creed had been exposed, and all those disturbances which had disgraced the character of certain persons in this country. He hoped, therefore, that the House would indulge him with a patient hearing on this occasion for these reasons —because he differed from the majority, and because he was an Irishman and a Roman Catholic. The latter ground gave him an additional claim to their attention. What, then, did he find arrayed against him? This gigantic Church Establishment, which had its head at Canterbury, the leviathan body of which was spread over England and Wales, with one hand resting on the Land's End, and the other grasping John o' Groat's house—because he found that even in Scotland, notwithstanding the efforts of John Knox and his sturdy followers to abolish Episcopacy, there were six bishops of the English Establishment, who assumed territorial titles; and then he found the gigantic limbs of this establishment extending across St. George's Channel, enveloped in military boots, with one spurred heel resting on the Giant's Causeway, and the other on Cape Clear. He found that establishment, according to the calculations of the hon. Member for Cockermouth — calculations on which he placed the most implicit reliance—he found it possessing an income of 5,000,000*l.* a year in England, with 12,000 benefices; and he found it in Ireland, with an income of 500,000*l.* yearly, and with 1,500 benefices. He found that it had 15,000 ecclesiastics here, and 2,500 in Ireland, and these having an income exceeding 6,000,000*l.* a year. Even that was not the only formidable adversary on which they could count. There was the press roaring at the top of its voice. And yet he was told that this was a political quarrel. It was no such thing; it was a pecuniary quarrel. There was, then, the press—the continued action of the press against them; not of all the press, but the majority of the press. They found, then, that press calling upon the people, but the people were not to be aroused by it. Those who stirred were the clergy and some of the vestrymen, the parish authorities, who shouted at the top of their voices; but the great body of Englishmen—the honest men who earned their bread by the sweat of their brow—the labourers, the mechanics, the artisans, they took no part in these un-Christian shouts. He gave his fellow-countrymen in England credit for the forbearance they had manifested during all this excitement; for, in the whole history of modern times, never had there been such strong appeals made to the passions of the multitude, and never had such appeals been so miserably responded to as they had been during the past three months in England. The honest, hardworking people saw all this, they comprehended it; for they folded their arms, and they said, "This is a Church quarrel, and we will have nothing to do with it." He might be asked what were his weapons of defence on this occasion? The first, he said, was "truth"—truth which would prevail in the end; the second was "justice"—a spirit of justice which he trusted to see prevailing in a majority of that House, and that would influence it in rejecting this Bill. They were told that an aggression had been committed by the Pope, and he had looked to the dictionary for an explanation of the word. From the explanation of *Johnson* and *Walker*, it appeared that the meaning of aggression is, "the beginning of a quarrel." He was told, his Holiness the Pope had begun the quarrel, and he totally denied that. It was the Established Church that began the quarrel. The Pope did no more than he was entitled to do when he metamorphosed (if he might use the phrase) the vicars-apostolic into bishops. But the noble Lord had said that the Pope had given those bishops "territorial power." A Pope to give territorial power in England! Why, they might as well say that "the man in the moon" had given them territorial power. The pettiest of all living princes, as he was called—a prince supported solely by French bayonets, was said to have given to Dr. Wiseman territorial power in England! Why, the thing was so absurd that even those who gave expression to it could not believe it. Aggression, no doubt, had been committed, and he would tell them upon whom. It was committed upon the Catholics of Ireland and of England, and by this Bill; and he would prove it. He was old enough to recollect the period when those of his creed were struggling for Catholic emancipation. He had spent twenty years of his life in the endeavour to break the chains which bigotry had imposed upon those who professed the same creed with himself. In 1829 emancipation had been gained. A compact was then entered into. The Bill before the House deprived the Roman Catholics of the benefit of that compact. The Catholic 40*s.* freeholders of Ireland had been disfranchised, and the qualification raised to a beneficial interest of 10*l.* per annum, as one of the conditions of the Emancipation Bill. The Bill of Sir Robert Peel provided that no Catholic bishop should assume the title of a Protestant bishop under a penalty of 100*l.*, and no Catholic bishop had violated that Act; but the noble Lord proposed that, after the passing of this Act, it should be penal for a Catholic bishop to call himself bishop of any place in Great Britain and Ireland. He called this new penalty a flagrant violation of the compact. The noble Lord at the head of the Government had said that it would be well if the Catholic bishops, Drs. M'Hale and Cullen, imitated the spirit manifested by the Catholic bishops in 1829. Why, in 1829, the Catholic bishops received privileges; and now, he asked the noble Lord and Her Majesty's Government, did they expect the Catholic bishops to be thankful when they received, not privileges, but penalties? The noble Lord next said that what he proposed was not merely for the benefit of the Protestants of the united kingdom, but particularly for the benefit and as an especial compliment to the Catholics themselves. As a Catholic he begged to decline the compliment. The hon. Member for Norwich (Mr. Peto) said they had several Catholics of distinction with them, and referred to the opinions of the Duke of Norfolk, of Lord Camoys, and of Lord Beaumont. Now, no man respected rank and station more than he did; but in matters of religion it was not an opinion that would influence his judgment. He quite respected the Duke of Norfolk in the exercise of his judgment on political questions. He found no fault with it, but he would not be guided by it; as he would not be governed by the opinions of Lord Camoys; whilst there was no one of the Catholic Peers from whose sentiments on spiritual questions he was more disposed at all times to dissent than those of Lord Beaumont. But then there was another and a high authority—the hon. and learned Member for Youghal, who had told the House that there were two descriptions of Catholics—a Catholic of the Church of Rome, and a Catholic of the Court of Rome. Now, he (Mr. Reynolds) had been educated from his infancy as a Catholic—he was not, like the hon. and learned Gentleman, a convert; but this he must say that until he was informed by his hon. and learned Friend, he did not know that the word "Catholic" could be split up in the manner he had divided it. This, however, he must say, that if there were, as his hon. and learned Friend said, two sections of Catholics, the hon. and learned Member was the only man he knew who belonged to both. The hon. and learned Gentleman said he was "a Catholic of the Church of Rome;" and he could not deny that he was "a Catholic of the Court of Rome," for the late Pope Gregory, as a temporal Prince, had conferred upon him the order of St. Gregory, and therefore his hon. and learned Friend was by his right style and title, "Sir Chisholm Anstey, Member for Youghal." The only man in that House, then, who belonged to the two sections, was the hon. and learned Member himself, who in drawing a distinction gave a definition of his own greatness. His hon. and learned Friend was a black-letter lawyer. He had quoted bad law and was praised for it; he had said that if they allowed the hierarchy to be established, they would administer the old canon law; now, he (Mr. Reynolds) was no lawyer, but he challenged his hon. and learned Friend to prove his assertion. He totally denied that the Catholic bishops could have more power over the Catholic charities than they had as vicars-apostolic. But as his hon. and learned Friend had been made a Knight of the Order of St. Gregory, he would ask him what services he had performed for the Pope to obtain that honour? He (Mr. Reynolds) had been asked to state what those services were. He declined doing so for the present, as he thought the explanation as to the facts would come much better from the hon. and learned Gentleman himself. No one—especially no Irishman—could refer to the question, without referring to the memorable letter of the noble Lord at the head of Her Majesty's Government to the Bishop of Durham. He had a double reason for referring to that letter—first, because it had caused him some astonishment when he read the terms, certainly not very complimentary, in which the noble noble Lord referred to his (Mr. Reynolds') creed. The second, why he referred to the letter was, because it had occasioned him (Mr. Reynolds) some pecuniary loss. Ever since he had been a Member of the House of Commons he had given his invariable and steady support to the noble Lord at the head of the Government, at least so far as the doing so was consistent with the exercise of his judgment. Shortly after the publication of that celebrated letter he had met with one of his constituents, who was in the habit of doing that which he (Mr. Reynolds) was not in the habit of doing—that of "betting." His friend said to him, "Well, Mr. Reynolds, did you see the letter of your champion, Lord John Russell?" He (Mr. Reynolds) said he had seen a letter with the noble Lord's name to it, but that it was a hoax, and not genuine; he said he never could have written a letter like that, and his friend said he would bet him a sovereign that he had written it. "Done," said he (Mr. Reynolds). It was not necessary for him to tell the House that he was done. The hon. and learned Gentleman (the Member for the city of Limerick) had stated his belief that the Bill proposed to be brought in reminded him of the "mountain in labour," that it was a paltry and inefficient measure. Now, he (Mr. Reynolds) totally differed with the hon. Gentleman (Mr. John O'Connell), and he believed the measure proposed by the First Minister was most insulting and ungenerously oppressive to the Catholics of the united kingdom. There was not throughout all England a more zealous Catholic than himself, and he would therefore suppose that the noble Lord's letter, and still more his speech, had warned them against any increase of the Pope's power. In that speech the noble Lord had asserted that it was the custom of all ecclesiastical communities to encroach upon the temporal authorities. If it was the case with most ecclesiastical communities, it was, as the noble Lord had stated, peculiarly the case with the Church of Rome to which he (Mr.

Reynolds) belonged. There was not a Protestant inside that House, or outside of it, who was more opposed to that encroachment than himself. In his opinion there was nothing that damaged religion more than its connexion with the State. He might say there was nothing that he regretted more, and he could assert that he wished from his heart that the Pope was not a temporal Prince. It was the connexion of his own creed with the State which had damaged it through all time. When they came across the Channel, the case was very different. In England the Roman Catholic population did not constitute more than 7 per cent of the whole number of the inhabitants. In Ireland the Catholics were 90 per cent of the population. In England, for more than 300 years — ever since the reign of Henry VIII., the Roman Catholic hierarchy had been all but dissolved. In Ireland the chain of the Apostolical descent had remained unbroken from the time of St. Patrick to the present time. That Apostolical succession, or successions it might be called, was one of the tests by which a true religion was to be ascertained. In Ireland the Protestant Church was in a wealthy state, and its supporters were few. In England they had 6,000,000*l.* a year, to support the Establishment, and 16,000 clergymen to fulfil its offices. Was it any wonder that there should be such a discrepancy between the two Churches? The noble Lord in the course of his speech had said, that he desired that the title of bishops should not have been assumed from dioceses in England in place of that of vicars-apostolic; and the hon. Member for Kerry (Mr. M. J. O'Connell) had expressed a strong desire that the measure should be extended to Ireland. He, for his own part, desired no such thing. The noble Lord had told them that calling the Catholic Archbishop of Dublin "his Grace" was a mistake of the Chamberlain; but he (Mr. Reynolds) could tell them a very different story. They all recollected the period of 1821, when George IV. visited Dublin. At that time the Earl of Liverpool was Prime Minister, and George IV. was accompanied by his Lordship and the great officers of State, amongst whom was Viscount Sidmouth, the Secretary of State for the Home Department, who wrote a letter under the authority of the King to the Catholic bishops and archbishops of Ireland, addressing them by their titles; and they were received at Court in the capacity of bishops and archbishops. They were addressed as "my Lords," and they received the position which their rank entitled them to. Now, that was eight years before emancipation; and yet they were told, because the same thing had been done in 1850, that it was a mistake of the Chamberlain. Within the last week he had the honour of attending the levee of the Earl of Clarendon, and he found that the Catholic Archbishop of Dublin attended the levee. He was received in his official capacity, and he got his position, which was higher than some Protestant bishops, and superior to that of the Duke of Leinster. Last Saturday week he (Mr. Reynolds) had the honour of partaking of the hospitality of the Earl of Clarendon, and amongst the company whom he met at the Viceregal table were the Protestant Archbishop and the Catholic Archbishop of Dublin. Perhaps that would be called a Papal aggression. If a stranger had come in at the time, he would not have been able to discover from the manner of the two dignitaries that there was the least jealousy between them, so much was it "your Grace" here, and "your Grace" there. All was courtesy and apparent equality with the Viceroy; and no one was more remarkable for courtesy than his Lordship, and he treated the two dignitaries just as if there was no such thing as a Papal aggression. Now if such scenes as that were to be seen in the Queen's Court in England, it would be said that the whole Court was about to turn Catholic. But the noble Lord at the head of the Government had stated that this measure was to give satisfaction to the Catholics. Now let him take the whole of the Catholics of England, deducting from them those who were presentable, such as the Duke of Norfolk, Lord Camoys, Lord Beaumont, and some few others to whom the noble Lord referred the other night, and he would venture to say that the whole of them in opinion were hostile and in oppostion to this Act. He called it an Algerine Act, but others seemed to have formed very various notions of it. The hon. Baronet the Member for the University of Oxford said it was not severe enough; while the hon. Member for East Kent, referring to the noble Lord's letter, said he hoped the noble Lord would follow it up in his Bill. The hon. Member for the city of Limerick (Mr. John O'Connell) considered the measure was not only inefficient, but absolutely contemptible. But he (Mr. Reynolds) believed it was neither inefficient nor contemptible. He believed the Bill was a Bill of pains and penalties, and that it would inflict a deep wound upon the great principles of civil and religious liberty. He believed, with the hon. and learned Member for Sheffield, to whom, as an Irish Catholic Member, he felt thankful, that it was a step backwards, and that it had been forced upon the House by a cabal which should not have been noticed. With regard to this measure, the people had been so blindfolded, misled, and deceived by the agitators of the press, and by the agitators outside of the press, that many independent Members of that House would be compelled to vote for this Bill, because they would run the risk of losing their seats if they voted against it. He knew that that was the fact, and that the noble Lord was not to estimate the opinions of the House by the number of votes he might receive. He had hoped that the time had arrived when Protestants and Catholics, Presbyterians, and all sects of Dissenters, would be allowed to live together in the enjoyment of peace and Christian charity; and he feared that the recent agitation was calculated to diminish the hopes of so favourable a result. In Ireland he saw nothing in prospect but discord and disunion; and he feared it would take many years to restore society to its former happy state. When he had come to that House he expected that his duties would be of a different nature—that he would be called upon to consider the question of the window duties, the repeal of a portion of the malt tax, which would relieve the people from a heavy burden, and that he would be called upon by the Ministers to record his vote in favour of a repeal of the duty on knowledge—the tax upon paper. He hoped he would have heard the noble Lord announcing some measure which would guarantee to the people of Ireland a tenant right. On the contrary, he had found the House now sitting five days engaged in the mischievous, absurd, and puerile task of discussing what was called the Popish aggression and Protestant ascendancy in Church and State. They appeared to have no room for any other question. He, for one, was determined to offer the Bill every opposition in his power in all its stages. If it passed—and he would venture to prophecy that it would pass in some shape—it would be a dead letter. He defied any Government to enforce its provisions; and if the hon. Gentlemen over the way assumed seats upon the Treasury benches, he would defy them to carry out any law containing penal enactments against the religion he professed, which was above and before all their powers of petty bigoted legislation in his country. Ireland was always a Catholic country. What did she care about their Acts of Parliament? The safeguard of Ireland was in the purity of her doctrines and her poverty. The Catholic religion in Ireland was not "clothed in purple and fine linen," and did not "fare sumptuously every day." It was clothed in sackcloth and ashes, and he hoped it would continue so. [*Laughter.*] He saw that exacted a smile from the hon. Member opposite (Mr. Napier), and, among others, from his hon. Friend the hon. and learned Member for the University of the Holy and Undivided Trinity. But he must know that there were in Ireland 7,000,000 of Catholics supporting, by voluntary contributions, 3,500 clergy of the secular and regular orders, that cost the State nothing; and he might add, that many of the dignitaries of that Church during the last four years were often in want of the common necessaries of life. Rather than ask or receive any money from the State, those men would be content to remain in their present state of apostolic poverty. Why, it is not long since the Protestant rector of a parish in Dublin (S.S. Michael and John), seized the furniture of a Catholic priest for ministers' money; and that in a city of which four-fifths of the inhabitants were Catholics, and who paid 13,000*l.* or 14,000*l.* per annum ministers' money, besides supporting their own priests. When he had spoken of the enormous temporalities of the Established Church, he was laughed at. They told him the Irish Church was linked with the English Church, that they had attached their little cock-boat to the English man-of-war, and would sink or swim with them. He complained of the uses to which these revenues were sometimes applied—there were effigies of the Pope and the Cardinal carried through the streets. He was surprised they did not burn the Cardinal, but they did not do the thing *con amore*, they were well paid for it; for he might mention to the House, in strict confidence, that a considerable sum from the ecclesiastical revenues was furnished to purchase the combustible materials. He would seriously address a word to the thinking and educated people—the bone and sinew of the country. He said that they paid taxes to support the bishops—that a portion of them rallied round the clergy on this late occasion; but he would ask them, what had that Church done for them? Had they enlarged their civil rights, or were they the advocates for taking off the malt tax, or the window duty, or the taxes on knowledge? Had they joined the hon. Member for Manchester in carrying out his plan of financial reform? He ventured to say, if the question was put to the greater portion of those who had set the brutal and unchristian howl agoing, that the answer would be in the negative—that they would vote against every one of them. He was told that some Catholics and Irish Liberals who represented Catholic constituencies would vote for this Bill. He could very well understand a Catholic in office voting for the measure; for he must either do that or resign. The men were silent that ought to speak. The disease that often afflicted Members on the Treasury bench prevailed still—he meant lucrative taciturnity. But he would remind some hon. Members, both Catholic and Protestant, that a day of reckoning was coming. The people would one day ask them, "Did we send you into the House of Commons to vote for the enactment of penal laws against Roman Catholics? Did we send you there to pass a law by which the gift of property by a dying man, if made to the Most Reverend Daniel Murray, Catholic Archbishop of Dublin, would be frustrated?" He (Mr. Reynolds) trusted that this Bill would not pass; and he had to express his deep regret that the noble Lord had taken charge of such a measure; and, giving the noble Lord credit for a sincere anxiety to maintain unimpaired the great principles of civil and religious liberty, he (Mr. Reynolds) believed and declared that the Bill, if passed into a law, would be perfectly inconsistent and irreconcilable with existing Acts of Parliament, and render it impossible for a Catholic bishop to discharge his ecclesiastical functions without violating the law. Suppose the hon. Member for Buckinghamshire helped to form an Administration — and more unlikely things had come to pass; and he (Mr. Reynolds) would say, that he had found the hon. Member liberal on many points, which was not to be wondered at, as his antecedents were liberal—might not the hon. Member for Buckinghamshire say, that it would be better to have the Gospel preached among the benighted Irish, and appropriate money left for Catholic or charitable purposes to that object? The noble Lord had referred to the appointment of Roman Catholics to office; but he (Mr. Reynolds) would remind him and the House that it was the exception, and not the rule, that Roman Catholics were promoted to places. He would refer the noble Lord to the law courts in the city of Dublin. What did he find there? The number of Protestant officers employed in the Court of Chancery in Ireland was 57, and the aggregate amount of their salaries was 56,000*l.* a year. The number of Roman Catholics employed was only 16, and the amount of their salaries 4,000*l.* per annum. In the law courts there were 56 Protestant officers and 9 Protestant judges, whose aggregate salaries were 54,719*l.* 15*s.* 10*d.*; there were three Catholic judges and 17 Catholic officers, whose salaries amounted to 16,757*l.* 3*s.* 8*d.* What, then, came of the fine promises of the promotion of Catholics, when such was the state of things twenty years after the passing of the Catholic Emancipation Act? In the household of the Lord Lieutenant he found the proportion was the same; and the principle was carried out to the same, or even to a greater, extent, in the Excise, Customs, Post Office, and other public institutions. Nine-tenths of all places of honour and emolument were given to the dominant party. They were now told that the Irish bishops were not to have titles of Irish sees—they might take their titles from the moon, or any other place they liked, but none belonging to the land of their birth, whose spiritual concerns they ministered to. Dr. Cullen had been branded the other night, as an alien, and with having small sympathy with Irish feelings and habits; but he could tell the noble Lord that Archbishop Cullen was born, reared, and educated in Ireland, and was extensively connected with the wealthy middle classes of that country. No man was more intimately acquainted with, or more identified with, the people of Ireland than Dr. Cullen. In the same way, Dr. Wiseman—Cardinal Wiseman—was, to all intents and purposes, a British subject: he was born of Irish parents in the city of Seville in Spain. When he was seven years old he visited Waterford, the native county of his parents. He afterwards went to a Catholic college in the county of Durham, and had been for the last twelve or fourteen years in London; and still it suits the taste of some persons to call Dr. Wiseman an alien. He thanked the House for its indulgence; he assured those from whom he differed that, in expressing his determination to oppose the Bill, he was not actuated by any sectarian or bigoted feelings towards the members of the Protestant Church; many of his steadiest and sincerest friends were members of that Church, and he felt much pleasure in stating that, had it not been for the liberality of his Protestant fellow-citizens, he would not have the honour of representing the city of Dublin in that House. He was opposed, not to them, but to the leviathan temporalities of the Church, which, he believed in his conscience, were detrimental to its spiritual progress. He cautioned the House and the First Minister against attempting to interfere directly or indirectly with the free action of the Catholic Church of the united kingdom.

The ATTORNEY GENERAL said, if the House had taken the usual and ordinary course of allowing the Bill to be brought in so that the House might have seen what its provisions were, he should not have thought it his duty to trouble them with any observations on the present occasion. But as the House had been occupied one long night, and probably might continue some time longer, discussing the provisions of a Bill about to be introduced, in the absence of all knowledge of its details—a species of ignorance they must necessarily labour under—and as it appeared to him that the observations made by the noble Lord in introducing the Bill with respect to its purport and effect were not fully understood by the House, he was desirous, with its permission, of explaining what was the main scope and effect of the measure. as described by his noble Friend, in asking for leave to introduce it. Before he did so, he hoped the House would permit him to call its attention to what the offences were which it was intended by the Bill to meet. In the course of the last year the offence against which the measure was aimed occurred in the introduction of a bull, by which certain persons were entitled by the Court of Rome, or the Pope af Rome, to assume for themselves certain ecclesiastical titles, as being the archbishop and bishops of certain territorial sees and dioceses, defined by certain territorial limits throughout England and Wales. That was the whole extent of the offence; the consequences of it would have to be regarded and dealt with by the House; but they derived solely from the circumstance that those titles were to be assumed, or authorised to be assumed, as of certain territorially partitioned sees and dioceses existing in this country. It was held to be a sound and safe maxim in politics, and it was one in which he agreed, that they should not introduce or attempt to introduce a remedy more extensive than was sufficient to meet the evil which was complained of; and he thought, therefore, if they could introduce a measure which should effectually prevent persons holding those sees, and from using the titles of bishops and archbishops duly appointed to these pretended dioceses in England, then the real object sought would de accomplished, and they need not legislate beyond the occasion, or seek to provide against possible evils that had not yet arisen. Now, he believed the proposed Bill would, in fact, effectually prevent the evils which had been complained of. That such was the object of the Bill there was no question, and that it had been framed with considerable care to meet that object he was well assured—it would be for the House to consider with what success. Before he proceeded further, would they allow him to observe how important it was to draw a distinction between the two different branches of offences committed by the introduction of the bull. One portion of it—a very large portion of it—was what he conceived, and justly conceived, to be the insult inflicted on the country—another was the injury inflicted on a certain class of the inhabitants of that country. But these two things were in themselves perfectly distinct. They had this fact, that the insult offered to the country by a foreign Power by the introduction of a bull in which it professed to govern the country by its own immediate dependants, had produced, he believed, undue ideas as to the extent of the injury arising from the introduction of the bull. These two things, could, with difficulty, be separated in the public mind, and great desire for legislation had arisen not merely from the injury that was suspected to have been produced by the introduction of the bull, but also in a great measure from the insult that was believed to have been offered to the Queen and the country. With regard to the insult that had been offered to the country, it would be useless for him to say anything. The expression of opinion and feeling by the country and by the House, were in themselves amply sufficient to repel, in the most proper and defined manner, any insult offered by a foreign

Power. With respect to the injury, it affected, undoubtedly, the Roman Catholic branch of the community, but that injury was of a twofold character—one of which was spiritual, and the other temporal. He apprehended that they had nothing whatever to do with the spiritual effects of the introduction of the bull; and if it was possible to separate them completely, there was no question whatever that with respect to the spiritual and temporal consequences of the introduction of the bull, and the assumption of these titles thereupon, it would be fitting for them to do so, apart from the question of the insult that had been offered to the honour and dignity of the country. It was said that the effect of the bull in temporal matters would be to this extent—that it would give to the persons assuming the titles of archbishops or bishops particular ecclesiastical dioceses, a power of dealing with, and apportioning, and appointing in matters relating to religious endowments made in behalf of the Roman Catholic religion; that it enabled them to deal with property given for the purpose of supporting various classes of persons connected with the Roman Catholic religion in a different and more extensive manner than they could before; and that the effect would be to give to those prelates a power which was not intended to be given to them by the persons who endowed or founded those institutions. With respect to the spiritual power, he had not heard or seen it suggested in any publication that there was any specific spiritual power that might be enforced or directed by the bishops of these dioceses distinct or different from that which might be enforced by bishops acting merely as vicars-apostolic, or as bishops *in partibus*, or anything to show their spiritual power was not as great in one case as the other:—but, with respect to temporal power it was not so. He apprehended that it was of importance that they should stop any assumption of authority on the part of persons professing, as the bishops must under the canon law, to be entirely dependent on the Pope of Rome, in dealing with the rights and interests of British subjects in a manner different and inconsistent with that which had hitherto obtained; and he apprehended that if it was not dealt with now, the difficulty undoubtedly would arise when the question originating from these appointments came to be adjudicated upon by the courts of law; because the courts of law, taking cognisance of any species of endowments, Roman Catholic as well as others, would treat the right of appointment of those persons connected with the trusts and endowments as mere facts to be ascertained, and refer to the authorities of the Roman Catholic Church to know under what rights these persons had been, or ought to be, appointed. Now the Bill, as stated by his noble Friend the First Lord or the Treasury, did in the first instance propose to extend the provisions of the Roman Catholic Relief Act, 10 Geo. IV., which imposed a penalty of 100*l.* for any offence in case of any prelate assuming the tites of any existing see throughout the United Kingdom—that penalty of 100*l.* to be enforced for every offence, but only to be sued for by the Attorney General. These were the provisions of the Roman Catholic Relief Act. The Bill now sought to be introduced by the First Minister, extended the clause to cases of the assumption of any titles whatever, from any city, place, territory, or district whatever within the United Kingdom. If that had been found to be effectual—a matter upon which he did not wish to express an opinion—under the Catholic Relief Act, in preventing the assumption of titles of existing sees, it might equally be expected that a clause of a similar description would be found to be similarly effectual for preventing the assumption of titles from all places within the United Kingdom. But it did not stop there; because, undoubtedly, it had been asserted in speeches that had been made with reference to this question, that in several instances, in various instances which were cited, Roman Catholic bishops in Ireland had assumed the titles of existing sees. It was, therefore, thought desirable not to stop there, but to go still further, and endeavour to carry into effect the prohibition of the assumption of titles of that description, by making any act done by any persons holding sees with titles of that description, and done in the character of such bishop or archbishop, absolutely null and void; and also to prevent any other person from giving them that character or title. If they effectually met these objects, and introduced clauses that would produce these results, they would, he apprehended, do that which was solely what the House intended — namely, put a stop to the particular thing of which it complained. It appeared to him that any clause providing that any act done, or any deed or instrument or writing made, by persons assuming such titles, should be null and void—would have the effect of completely paralysing, with respect to all temporal matters, the power of the persons taking or assuming these particular titles—that it would not be possible for them to do anything which would be effectual in a court of justice for the enforcement of any religious or charitable trusts or uses; because, as the Act of Parliament declared any act done or deed made by such persons void—those acts or proceedings could not be given in evidence, or proved for the purpose of enabling parties in the quality of bishops or archbishops to do that, which, being done in any other character, might be a perfectly valid and legal act. In addition to that, they proposed to endeavour to prevent other persons giving these bishops of pretended sees titles from any place in the United Kingdom; and they proposed to enact by other clauses, that it should not be lawful for any person to endow, or to give any sum of money for the maintenance or support of such dioceses or sees, or for the support or endowment or maintenance of any persons performing ecclesiastical functions in respect to such sees, with words sufficiently large to provide against any evasion of these provisions. In addition to that, the Bill would say that every gift, bequest, or preferment of real or personal property, given by any person to any of these bishops by the title of any of the sees or dioceses over which it was assumed they presided, should be forfeited to the Crown, and that the Crown shall be enabled to dispose of it in such manner as it might think fit. The effect of that would be, as the House would observe, to render it impossible for any person intending to leave property for any charitable purposes, of which the bishop or archbishop of the pretended diocese was to be the administrator, to give it to him by the name, or with reference to the name of his diocese. Undoubtedly it would not have the effect of preventing any bequests being made by Roman Catholics for charitable purposes. The only thing they must do is to give it, suppose to Dr. Wiseman, by that name by which he was obviously known, and not by that of Archbishop of Westminster. If the property were bequeathed to him by the latter name, the act was simply and absolutely void, and the money might be disposed of by the Crown. The House would see the distinction thus intended to be laid down. If the property be of the character of a beneficial interest, it might be properly and usefully given by the name of the person who was intended to receive it; but if it be given for charitable objects, or for the support of the particular diocese, it could not be given successfully to him except in some such name as supposes succession in a certain corporate character. If the property be given, as several bequests had been made, to the vicars-apostolic for the time being, the gifts might then be good for charitable purposes, and the courts of law might enforce them. The framers of the Bill had also endeavoured to prevent in any way all evasions of the Bill from the bequest being given to any person in connexion with the bishop, or by reference to any particular see, or to the person who held it, or any person appointing to an office within it; and, if any such bequest was made, it would have to be disposed of by the Crown, it not being possible for the person himself to dispose of it consistently with the law. He would explain to the House how it was thought more desirable to declare that such property should be forfeited to the Crown rather than to make the bequest absolutely void. It might so happen that a person, not wishing to evade the law, had yet in ignorance of it given property to a certain bishop or archbishop, in trust for some relations. The Government in such a case wished to reserve a power to the Crown to grant such property to the persons intended. Finally, it was proposed that no evidence given by any persons whatever to carry out the provisions of the Bill, shall be admissible to be used against them for the enforcement of any penalties. The circumstance of being protected by the Act shall not prevent parties from applying to the courts of equity for the recovery of any claims. That was the general scope and object of the Bill. It would effectually prevent persons assuming those titles of which they complained. It would effectually, he thought, prevent the existence of those dioceses or sees; for those dioceses could not exist, as was stated by Dr. Wiseman himself, except reference was made to some territorial limits within the county in which those dioceses or sees were established. That was an essential condition to the existence of those dioceses. If it were otherwise, they would be nothing more than bishops *in partibus*—Bishop of Heliopolis, or any other foreign title, exercising episcopal functions in this country. The consequences would follow, that, according to canon law, the property bequeathed to the bishop of a diocese would not pass to his successor unless some reference was made in the bequest to the territorial jurisdiction over which he assumed a power. It would not, he apprehended, be such a case as had been alluded to by the hon. and learned Member for Sheffield—namely, that of Cardinal Wiseman calling himself Archbishop in Westminster, or near Westminster; for that title would come as much within the meaning of the Act as the title Archbishop of Westminster, as proved by the context. No doubt, when Archbishop Musgrave sits in the House of Peers, he might still be considered as Archbishop in Westminster; so also might there be many Marquesses in Westminster sitting in the House of Peers; but still only one Marquess of Westminster. If that which was expressed by the form of the words conveying the bequest gave him no authority, but was evidently a mere colourable evasion in recognising his title, then in that case the matter would come within the provisions of the Act, and the result would be as he had already stated. He was of opinion that the Bill would effectually prevent the particular mischief or evil complained of. The hon. Member for Buckinghamshire said he considered that the Bill would not interfere with the synodal action of the Roman Catholic Prelates. He differed from the hon. Member; he thought it would be the necessary consequence of the Bill that it would interfere with this synodical action. It was, no doubt, desirable, if possible, to effect these objects in the most quiet manner in which it could be done; but if it could be done effectually, that was all that the House should seek to do; and they should be contented if they made provisions suitable to the occasion that had given rise to them. It was true that the Bill did not deal with every particular case. It did not deal with the case of a prelate or priest of the Roman Catholic Church, by means of threatening the terrors of eternal punishment, inducing a person to take any steps that he was otherwise unwilling to accede to, or thus preventing the individual performing his civil duties or rights. For instance—to illustrate the matter—it would be impossible to provide for the case of a Roman Catholic prelate who, by the threats of eternal punishment, or the denial of the sacraments, sought to influence a man from enlisting in the army, or from giving evidence in a court of justice. It would not be proper to introduce any provision into the Bill that would probably meet such a case. In the first place, no such questions as that had arisen, nor was at all likely to arise; and if it did, he had no hesitation in saying, that according to the existing laws, that would be considered an offence at common law, and the Courts would be sufficiently strong to meet that difficulty. It was therefore desirable that they should not attempt to meet any such cases. Those cases in which persons were terrified by their spiritual instructors into doing something, or into abstaining from doing an act which otherwise they would conceive it to be their duty to perform, were not those which legislation could touch, because, unless they came before the Courts they could not be known; they were cases of secrecy between the victim himself and the spiritual instructor. To illustrate the fact by the instance quoted by the noble Lord in the case of the Minister of Sardinia, having been recently refused the sacraments, it was obvious if the gentleman had been terrified into repentance, and consented to do that which, in his conscience, he did not think was right, he would have obtained the sacraments of the Church, and no one would have heard anything about the matter. But the fact of his not obtaining the sacraments had made the thing notorious from the feeling that was produced thereby amongst his relatives. This was a subject that could not be met by legislation, nor would it be expedient to attempt to meet it even if they thought they could succeed. In all these cases it was much better to leave the matter to the good sense and judgment of the Roman Catholic body. who would themselves, he believed, resist oppressions of that description, even if the Roman Catholic clergy of this country were disposed to have recourse to it. He appealed with very great confidence to the Roman Catholic laity of this country; and he felt that in legislating upon a question of this character, they were bound to consider that the Roman Catholics were in all respects, with the one exception of spiritual matters, to all intents and purposes like ourselves, animated with a sincere desire for the welfare of the State, and anxious to maintain the well-established order and institutions of the country. He himself had no doubt whatever upon that point; and when we think it necessary to introduce such a measure as this, we consider it called for not as essential for the protection of the Protestant inhabitants of the kingdom only, but in his conscience he believed it was no less essential for the protection of the Roman Catholic laity of this country. He believed that a large body of them felt in the same way, but he believed they were so much bound by honour, party feeling, and spiritual reverence, that they were not able to express their sense of the advantages likely to arise from the measure. He only spoke his sincere opinion upon the subject, and from the information which he had obtained from various sources. For his own part, he could only say that he would be exceedingly glad if the question itself had never arisen. He must say that there could be very little question as to whom a measure of this description should satisfy. It did appear to him to be obvious that it could not satisfy the whole of those gentlemen, who said, no doubt perfectly conscientiously, that there was no injury whatsoever committed by the introduction of the bull; and though many of them might think that the Pope would have acted more properly if he had communicated to this country his desire, and what his intentions were in respect to his late proceeding, they will nevertheless be indisposed to support such a Bill as this. There was also a class of gentlemen who looked at the thing as a question of party politics, and who would be induced to make a handle of anything that would embarrass the present Government; some of whom will think the Bill too strong, and others not strong enough; but the very larger portion of the House, he believed, was composed of gentlemen who thought that something had been done which ought to be redressed, and who would no doubt feel that their object will be fully attained by carrying into law the measure that he had described. The Roman Catholics had always professed their desire to obey the laws of the country, and that they were actuated by the same feelings of loyalty as others of Her Majesty's subjects. Was it not fit and proper to pass a measure of this description, by which they would have an opportunity of seeing whether they were disposed to obey a law which made it an offence by statute law for their bishops to take those titles from any place in the united kingdom, or to administer any property by means or reference to titles of this kind? He believed that the House would find that the Roman Catholics would not resist it. He admitted the great danger of making anything like an approach to a prophecy of this kind, but he thought he was safe in saying this. He thought it was but fair to give them an opportunity of saying whether they would not conform to the law that was now proposed, or whether they would act in utter contempt of it; and he felt satisfied that if it should be necessary to take some further steps in the introduction of more stringent measures, the power of Parliament to do so was of the most simple and easy kind, so that another measure might be introduced that would meet any resistance on the part of this people. He admitted he did not see the necessity for such an enactment as he referred to, for he did not expect that the necessity would arise for another measure upon this subject. He repeated the great regret he felt, in common with all those distinguished individuals with whom he was associated, that the Pope should have introduced so rash and ill-advised a measure as to render the Bill of his noble Friend necessary. He believed in his conscience that the Catholic laity themselves would deem this a measure essential to the due administration of the law, to the protection of themselves, as well as their Protestant brethren, from the undue interference in, and assumption of, temporal rights and powers over them by the Catholic hierarchy. The Bill discharged itself entirely from any thing relating to the spiritual matters of the Roman Catholic Church. We have nothing to do with that, and it was most desirable to maintain the distinction between the spiritual and temporal character of the question. He thought it was essential to deal with the temporal rights and powers imposed upon persons by the late act of the Pope, bearing in mind that by the effect of the canon law the Roman Catholics considered themselves solely dependent upon the See of Rome, and not entirely subject to the laws of the particular country in which they existed.

Lord ASHLEY:* Sir, however desirable, nay necessary, it may be to approach this question with coolness and deliberation, we must nevertheless, we, at least, who entertain a deep and sincere conviction of its importance, approach it with a decision and resolution equal to the emergency. Let us, at any rate, consider the issue; it is simply this, whether we shall allow the ecclesiastics of the Church of Rome to seize and to retain a position within these realms which they have never occupied in the most palmy days of Romanism in this country, and which they do not now occupy, and which they will not be permitted to occupy, in any continental State that acknowledges the authority of the Vatican.

Now I must commence by asserting that this is not a question merely affecting the Church of England—it is no Bill to secure her Establishment, protect her honour, or extend her influence; it is regarded as a question involving the civil and religious liberties of the whole realm, of the Church of England, of the Wesleyans, of the Independents, of every Nonconformist body; nay, I can show, even of the Roman Catholics themselves, and, undoubtedly, of the inferior orders of the Roman Catholic clergy.

And here I may, perhaps, be allowed to express my admiration of the language and conduct of the great majority of the Nonconformists, who have agreed to lay aside their various differences and suspend their assaults on the State Church, as they term it, and make common cause against the common enemy. Certainly I was much astonished to hear the hon. Member for Manchester (Mr. Bright) assert that no Dissenting congregations north of the metropolis, had taken part in this movement; I recollected instantly a most remarkable document called *The Declaration of the Ministers of the Congregational Denominations in the County of Lancaster*, written I should think, by that great master of the English language, Dr. Vaughan, of Moss-side. The whole will repay perusal, for though there are some things in which I cannot concur, it is one of the clearest and most able statements of the Protestant and Roman Catholic question I have ever read. I will give one extract :—

> "In all this we see Romanism in a form the most despotic, arrogant, and offensive, strikingly in contrast to the more liberal interpretations of it so common among English Catholics before the passing of the Emancipation Act—in a form, indeed, which is so much after the pattern of the worst times in the history of the Papacy, as to furnish precedent enough, if allowed silently to take its course, for aggressions dangerous alike to the British Crown and to those liberties, civil and religious, which our Protestant fathers have bequeathed to us."

Is not this an emphatic declaration from Dissenters living north of the metropolis? Does not this prove unmistakeably that many of the Nonconformists of the present day, inherit the spirit of their forefathers in 1688? And that they are no more open to be wheedled by the soft blandishments of Dr. Wiseman, than they were by the smooth words of James II., when he meditated a deadly blow against the civil and religious liberties of the country?

Now, so far as I have been able to follow the arguments against the measure of Government, they may be reduced at the most into two or three propositions. First, we are told of the extreme weakness of the Power we are combating; but, I reply, is not "weakness" to be regarded as a relative term?—may not the Pope be weak himself in material force, and yet be able, by spiritual influence, to surpass all other potentates? Is it not frequent matter of history, that while the Pope at home was so insecure as to be trembling for his very existence, he could shake remote kingdoms, and dethrone their monarchs? He may not have a soldier or a gun-boat, and yet he can set in motion half the forces of Christendom! When he was in his lowest condition and fleeing for his life, could he not, the other day, rouse for his defence the armies of France, and Naples, and Austria, and Spain?

But this is not the point; our conduct is not dictated by fear—England has not moved in this matter because she entertains the slightest apprehension of all the physical, political, or spiritual forces there can be leagued against her—it is because we have received a great and intolerable insult which must be repressed. Had this arrogance been contained in a mere edict or manifesto, it might have been passed over without any notice; but it is an insult reduced to practice, one consolidated and embodied in the presence of an archbishop and twelve bishops, who, by the parade of their titles, will daily inform the Queen that She is not the sole fountain of honour; and by their distribution of provinces and dioceses, give Her to understand that She is not the sole governor in these Her dominions.

Next, it is urged that a man may assume any name he pleases. I should like to hear the Attorney General on that point. I do not believe that a man may take any name he fancies, and make regulations in that name to bind others.

But the main objection is, that a Bill will be a restriction on religious liberty, and that it will intrench on the concessions made by the Act of 1829. Now, I am prepared to say for myself, I am sure I may say for a vast body without this House—of course I cannot answer for any within—I speak from experience of meetings, correspondence, and private intercourse, that there is no desire whatever to abate in the least the privileges accorded to the Roman Catholics; but the question is not whether we shall take anything from the Roman Catholics, but whether they shall be allowed to take anything from us; whether the late Papal movement is not inconsistent with the rights of the Crown, and the civil and religious liberties of the subjects of this realm.

We did not begin the movement, we are not the aggressors. A foreign potentate and priest, by a certain document—whether legal or illegal I will not now pause to inquire—has, without permission of our Sovereign, without any communication whatever with the Government of this country, divided the realm into provinces and dioceses, appointed to them his own nominees, and invested them with territorial titles. Now the advocates of this proceeding say, that it is altogether in keeping with the spirit of the Act of 1829, and that it is necessary for the free development of the Roman Catholic religion. Surely, then, upon this statement there arise two questions: first, is this proceeding necessary to the development of the Roman Catholic religion? and, secondly, is it consistent with the rights of the Crown and the civil and religious liberties of all the people of this country? I will not stop to discuss the tone and temper of the apostolic brief; for brief it is, if the Attorney General, who called it a bull, would allow himself to be corrected on that point. With respect to the first proposition, that the recent act of the Pope is necessary for the development of the Roman Catholic religion, I must observe that, looking to the Act of 1829, it is perfectly clear that the Roman Catholics have full right and privilege to develop their religion, to diffuse, extend, and promote it by all legitimate means in their power. I will even go further, and say that, although their Church has been governed in these realms for nearly 300 years by vicars-apostolic, yet, episcopal functions being necessary to the government of the Roman Catholic Church, I believe, as at present advised, that they have full right to convert their vicars-apostolic into bishops. I know perfectly well the detriment we shall receive from the constitution of such a hierarchy; but, nevertheless, it appears to be in conformity with the concessions made in 1829. But no one has proved, or attempted to prove, and it is my firm belief that no one will be able to prove, that territorial titles are in any degree necessary to the exercise of episcopal functions. A territorial title is a worldly and material affair. The office of bishop is a spiritual concern altogether. Will any one venture to assert that Archbishop Wiseman cannot exercise, within the jurisdiction assigned to him, archiepiscopal functions, unless he is called Archbishop of Westminster? It is, I know, said, that the bishops of the Roman Catholic Church must have a local habitation and a name. Granted. Then, why will not Dr. Wiseman call himself Archbishop of the Roman Catholics in Westminster? [*Some laughter.*] Let not hon. Members who laugh be in such a hurry. If they will be patient and good enough to give me their attention, I will show them—I will not promise to their satisfaction, but to that of a good many—that the difference adverted to, however minute in appearance, is mighty in operation. Why did not Dr. Wiseman call himself Archbishop "of the Roman Catholics in Westminster," a title which would leave him at liberty to discharge his functions, and yet assign his true distinction, and impose on him a just limitation? Now, many persons exclaim, "Why be so particular about names—why fight with a mere shadow? What can it signify whether a man be called Archbishop in or of a particular place? Is a monosyllable to throw the whole empire into confusion?" Yes it is, and it ought to do so. In the first place, the title of Archbishop of Westminster claims universal jurisdistion, whilst the title of Archbishop of the Roman Catholics in Westminster, shows clearly that it is a restricted office. Let me, in the first place, bring forward, by the way of testimony and illustration, what we did in our own case when we thought it desirable to send a Protestant bishop of the English Church to the holy city of Jerusalem. We did not, as Dr. Wiseman stated in his pamphlet, erect a bishopric there; we merely sent a bishop from this country to be resident in Jerusalem for Protestant purposes; but so careful were we to observe the rule laid down, that persons should not assume territorial titles and jurisdiction where they had no right to do so, that, in the first place, Her Majesty's Government obtained from the Sovereign of the country a firman allowing the bishop to reside there; and, in the second place, we took care, in the deed of consecration, to give him the title of "Alexander, Bishop of the United Church of England and Ireland, resident in Jerusalem." Such was the caution observed by us when we sent a bishop to Jerusalem. But as to the force of names and titles we have the testimony of whole nations, and this is a matter not to be lightly thrown aside. It will be in the recollection of the House, that when, in 1830, a revolution took place in the affairs of France, Louis Philippe was raised to the throne; but he was raised to it on this condition, imposed by the whole French people—that he should not be called King of France, but simply King of the French. Have we not then the testimony of the whole French nation, that a great distinction may be involved in what may at first sight appear to be a simple difference in the form of expression? They saw that the name implied feudal and territorial power. A similar course was pursued when Prince Leopold was raised to the throne of Belgium. The same condition was imposed in that case, and he was called the King of the Belgians, not the King of the Belgian territory. But the strongest argument of all is to be found in the estimate which the Roman Catholics themselves put on the title. Do you suppose that if in their apprehension there were nothing real and solid in the difference of the style of Archbishop of Westminster and Archbishop of the Roman Catholics in Westminster, they would expose themselves to the indignation and resentment of a whole country, and to the introduction of legislative measures to prevent the assumption of the chosen title? No, no! It is because they know that the name is of real value, that they insist on the title with unprecedented pertinacity.

But here is the motive—Cardinal Wiseman—for a Cardinal he certainly is—it being a foreign title, and giving no rank or precedence in these realms—in his famous *Appeal*, when defending himself against the charge of ambition for having assumed territorial honours, assigned the true reason, and so important is the reason he assigned, that one is almost inclined to believe he has heard our prayer, "Oh that my enemy would write a book!" Cardinal Wiseman states, then, that the Roman Catholic bishops do not take restrictive titles because the Church of Rome does not, and never will, allow any limitation to her jurisdiction. And why will she not? Mark! for this reason:—It is a well-known tenet of the Church of Rome, as nobody will deny, that every baptized soul, whether baptized by a layman or an ecclesiastic; whether in the Roman Catholic Church or out of it, in whatever way baptized, is spiritually subject to the Pope of Rome. To state, therefore, that Dr. Wiseman is Archbishop only of the Roman Catholics in Westminster, would be to restrict his name and jurisdiction, while to designate him Archbishop of Westminster, preserves to him the full demand of his Church to inalienable sovereignty. But it is this very demand which renders it a duty on Protestants to offer an uncompromising and undying resistance. Because it is the well-known policy of the Church of Rome, that everything which is not resisted, she converts into a right, and makes it the starting point for fresh aggrandisement, and a fresh exercise of her unwarrantable ambition.

Now, with respect to the second question:—Is the Pope's proceeding consistent with the rights of the Crown, and the civil and religious liberties of the people of England, Dr. Wiseman again shall answer, and by his own showing it shall appear that it is not compatible with the liberties of this realm. Now, observe, Dr. Wiseman admits that the introduction of the Roman Catholic hierarchy is not simply for diocesan purposes, but with the view of obtaining synodical action. I will not pause to show what may be the effect of synodical action. That has been sketched in a graphic and forcible manner, by the noble Lord at the head of the Government, when he described the serious and alarming procedure of the Synod of Thurles. Now, what has been done at Thurles will be repeated in Westminster, and we shall have an ecclesiastical empire sitting here and issuing decrees in the very heart of the metropolis of the British dominions. Stiil that is not all. The institution of the hierarchy is required for synodical action, but synodical action is required for the introduction of the canon law. Those are the words of Dr. Wiseman himself. Have, then, the House considered the nature and character of the canon law? Have you reflected on what you have heard on this subject from the lips of members of the Roman Catholic body? Have they not told you that it lays upon them burdens difficult to be borne? The House has already heard what has fallen from one of its Roman Catholic Members. They know the Duke of Norfolk has declared that the Ultramontane system which the Pope is labouring to establish in England, is inconsistent with the constitution, and that Lord Beaumont has avowed that—

> "The Pope, by his ill-advised measures, has placed the Roman Catholics in this country in a position where they must either break with Rome, or violate their allegiance to the constitution of these realms."

This, ponder it well, is the condition in which many Roman Catholics, nay, in which all the country will be placed by the introduction of this territorial hierarchy. Talk of synodical action, indeed; why, we do not allow it even in our own Church; and shall we then be summoned to allow it in a rival and a hostile Church? The Roman Catholic priesthood desire equality; now then they have it; but they seek also a supremacy, and that they shall not have. But to revert to the canon law. Now I would not have called the attention of the House to the provisions of the canon law had it not been avowed that the Roman Catholic hierarchy is established mainly for the purpose of introducing that code which will be binding on the consciences of a large portion of the community. Again, I ask, will the House consider whether the canon law is compatible with the civil law of this country—whether it will not be the fate of those who obey it to find themselves frequently in opposition to the civil law of the realm?

To show the character of the canon law, I cannot do better than quote the language of a great and impartial authority—one of the first historians of modern times—Mr. Hallam. In the *Middle Ages* of that distinguished writer, the following passage occurs:—

> "The superiority of the ecclesiastical over the temporal power may be considered as a sort of key-note which regulates every passage in the canon law. It is expressly declared that subjects owe no allegiance to an excommunicated Sovereign."

I will not stop to point out the terrible expressions which are to be found in the canon law with reference to spiritual matters, because with them the House has nothing to do; but perhaps I may be permitted to read two or three citations from that law, which Mr. Hallam had appended to the chapter of his book. Here to begin with, is matter for reflection. "The laws of Kings have not pre-eminence over ecclesiastical laws, but are subordinate to them." I pray the House to give me its attention; but I must request to the succeeding passage the attention of the Attorney-General:—The statute law of laymen," says the code, "does not extend to churches, or to ecclesiastical persons, or to their goods, to their prejudice." Is this a rule to be lightly passed over? That this is no idle declaration is proved by the present conflict between Sardinia and the Pope. What has caused the discussion but the determination of the Sardinian Government to set aside the church law, and make all ecclesiastical persons subject to the civil law of the realm? The statute law of laymen, why this is the law of the land by Queen, Lords, and Commons, and because the Sardinian Minister, Santa Rosa, wished merely to put the law of his country on the same footing as that of France and that of Austria, he was deprived by the Archbishop of the last sacrament; and, had it not been for the indignation of the people, he would have been altogether deprived of Christial burial. But to proceed with Mr. Hallam's citations from the canon law:—"Whatever decrees of princes are found injurious to the interests of the church, are declared to be of no authority whatever." "While a Sovereign remains excommunicated, his subjects owe him no allegiance; and, if he do not submit himself to the church, his subjects are absolved from all fealty to him." Now comes a part of the canon law which applies to all matters between man and man, of which a court of justice can take cognisance. The decretal of Gregory states, "Oaths that are disadvantageous to the interests of the church are not to be considered as oaths, but rather as perjuries." And here I say, let me not be misunderstood: I quote these things, not as against the Roman Catholic body, but as against the power and action of the contemplated hierarchy; and I would not have quoted them at all had I not been told that the canon law was about to be introduced under cover of this hierarchy, for the first time into England. In these circumstances it behoves us to know what that code is, and to ascertain, and speedily determine, whether it is compatible with our civil and religious liberties.

Now we must not be answered by phrases about "the nineteenth century," and the "march of intellect." Is it not remarkable that in this nineteenth century, during the march of intellect, and in the course of the last few years, when the greatest stimulus has been given to the human mind, a larger number of persons have gone over to the Church of Rome than during the preceding 300 years? So little had the march of intellect availed to stem the advance of Popery and error.

Let us now reverse the picture and make the case our own. Suppose Her Majesty, in compliance with the wishes of Her Protestant subjects residing in the Italian States, had appointed bishops of Civita Vecchia and Ancona, or, to make the case more in point, had divided Rome into districts, and appointed a bishop of Trastevere. What would have happened? In such a case it is easy to imagine how the noble Lord at the head of Foreign Affairs would have been besieged by protocols and conferences and harassed by remonstrances from the Ministers of France, of Austria, and Spain. And yet, if Her Majesty had done that, she would have done no more than has been done in this country by the intolerable ambition of the Pope of Rome.

The hon. Member for Sheffield has referred to America as a model for our institutions, and said that there the Pope's proceedings would have been viewed with indifference; but the cases of the two countries are not analogous. America is a confederation of States. In America, Romanism has never been established—it has nothing to recover—no antecedents of history on which to rely—nor is there in that country the possibility of an establishment. The Romanists in America set to work very differently. They do not put themselves forward prominently in New York and Philadelphia, they devote their energies to colonies in the far west, converting and absorbing new settlers as they arrive. This is not said in disparagement of the zeal of the Roman Church; on the contrary, I regard its zeal as worthy of commendation, and I assert, that if the Protestant churches of Christendom would exhibit the same amount of zeal for the advancement of truth, that the Romanists display for the propogation of their empire, the Protestant faith would soon spread over the whole earth.

Next, the hon. Gentleman quoted the instance of the Wesleyans. How is this in point? Do the Wesleyans owe a divided allegiance? Have they joined any foreign connexion? Do they issue spiritual censures? It is perfectly true that they divide and subdivide the country into districts for their own purposes and convenience; but if the President of the Conference, having subdivided the country for the convenience of the Wesleyan ministers, were to make known what he had done in "pastoral" such as hon. Members had lately read, and were to say that he "governed" the counties of Lancaster, York, and Cumberland, and would continue to "govern" them as President of the Conference, I really think that the next thing we should hear of him would be that he had been under the hands of a medical man, and had been declared to be a person of unsound mind under the terms of the Lunatic Act, and a fit and proper subject for confinement.

There is another aspect in which this question may be viewed; a very painful one it is true; but one of such vital importance that I cannot in my conscience discuss a measure for the purpose of resisting the Papal aggression without bringing my views of it before the House, because I know that these are not only mine, but the views of a very large mass of the laity of these realms. Is there nothing that had invited aggression in the state of our own unhappy divisions? Is there nothing within ourselves that had invited the attack from without? When we are proceeding to discuss measures that shall repel external aggression, ought we not to examine carefully and see whether there does not exist among ourselves something that has invited the aggression, and which will continue to invite similar aggressions in an increased and an increasing degree? I request leave to read to the House an extract which I am sure they will find worthy of their utmost attention. It contains the words of a person of great authority upon this question—the words not of some Low Churchman attacking the Tractarians—the words, not of some man attached to the Genevan platform writing in bitterness against the episcopate—but the words of a person of great experience and acuteness, who, from his eagle station, on the mountain top, having abided his time, now descends to seize his prey. Speaking of the Church of England he says—

> "It may seem necessary to state my reason for imagining that I see an approximation, not merely towards individual Catholic practices or doctrines, but towards Catholic union. . . . It seems to me impossible to read the works of the Oxford divines, and especially to follow them chronologically, without discovering a daily approach towards our holy Church, both in doctrine and affectionate feeling. Our saints, our Popes, have become dear to them by little and little; our rites and ceremonies, our offices, nay, our very rubrics, are precious in their eyes; far, alas! beyond what many of us consider them; our monastic institutions, our charitable and educational

provisions, have become more and more objects with them of earnest study. . . . Their admiration of our institutions and practices, and their regret at having lost them, manifestly spring from the value which they set on everything Catholic."

A little further on he adds—

"That the feelings which have been expressed in favour of a return to unity by the Anglican Church are every day widely spreading, and deeply sinking, no one can doubt. Those sentiments have a silent echo in hundreds of sympathising bosoms. . . . . There are many evidences which it would be hardly proper to detail [mark that], that Catholic feelings have penetrated deeper into society than at first one would suspect. Whole parishes have received the leaven, and it is fermenting; and places where it might least be expected seem to have received it in more secret and mysterious ways."

Is there no temptation here? Is there nothing to stimulate hope that these parties at least, were friends? The writer has received impressions too rapidly, but, nevertheless, it is certain that external appearances warranted his conclusion. [*An observation, which the reporters did not catch, was here made by an hon. Member under the opposite gallery.*] If the hon. Gentleman will be good enough to attend to the words of the extract, I am sure that he will bow his head in reverence when he learns the name of the writer. The author concludes thus:—

"By two ways the population of this country would be worked upon (through its Established Church) for its moral improvement—the rural districts through parochial influence; the denser population of towns or manufacturing districts through monastic institutions. Experience has now shown that the country population are ready to receive without murmuring, indeed, with pleasure the Catholic views propounded from Oxford; and, indeed, even more, when taught through regular parochial instruction."

This was written in 1841, and is signed, "NICOLAS WISEMAN, Bishop of Melipotamus."

Now I will at once demand, is there nothing stated here to invite aggression? Is there nothing here to beget a hope, nay, a conviction, that, if the Romish Church would only put on a bold front, and make a vigorous effort, a large proportion of the people of these realms would be ready to embrace the Roman Communion?

But this is not all: I wish to speak with entire respect of the clerical gentleman who signed the important document to which I shall refer; but I must ask again whether such an act as this is not enough to lead the Court of Rome to the belief that it would find among the very ministers of our own Church, admirers, if not positively adherents? Last year 1,800 clergymen of the Church of England, most of them holding benefices, signed a declaration against the Royal supremacy. I doubt not that they acted in full accordance with the dictates of conscience; but nevertheless, the fact remains, without abatement or contradiction, that the supremacy of the Crown, which has been recognised and obeyed for 300 years, has at last been called in question by 1,800 clergymen who preside over congregations on whom they can inculcate their opinions. I must consider this as a reason sufficient to lead the authorities of the Vatican to the belief, that there exists in the Church of England, the warmest sympathy with the doctrines, tenets, and discipline of the See of Rome. Add to this the various practices which have been introduced by many of the clergy; add the processions, the auricular confessions, and ten thousand other things that approximate so closely to the doctrines and discipline of the Church of Rome; add also the fact that the Bishop of London thought it his duty to condemn "the histrionic" ceremonies which are practised in his diocese—ceremonies which, while they indicate a panting after those of Rome, are, after all, such is his language, but a miserable imitation of them—sum up all then, and can we avoid the conclusion that there is something within our own borders which has invited, and which will continue to invite, the aggressions of the Roman Pontiff?

Sir, I must declare my belief that if these things are allowed to continue, there will arise, and at no distant time, a collision between the ecclesiastics and the laity, and should so fearful an event take place, the issue cannot be doubtful to any reflecting mind. I assert, nevertheless, that the laity love their Church, its doctrines, its discipline, its parochial system; that they desire to maintain its orders of bishop, presbyter, and deacon, in all their efficiency and all their dignity; but they will maintain it in purity and not in corruption. To obtain this end, they will, under God's blessing, incur every hazard, try every alternative, and shrink from no consequences whatever, in their righteous endeavours to bring back the church that they love, still nearer and nearer, day by day, to the standard of the glorious Reformation.

MR. GRATTAN would remind the House of the injustice of extending the measure to Ireland, inasmuch as the Pope had never, as it was ironically called, committed any "Papal aggression" in that country. The penal Act of the 28th of Henry the Eighth, and the subsequent Act of Elizabeth, had never been extended to Ireland, where the hierarchy had been left undisturbed. He did not understand why they should punish Ireland for an offence which she had not committed. When the Pope sent over to England four vicars-apostolic—a number which he subsequently increased to eight—there was no outcry made, and yet they were armed with the same authorities and the same powers; their names were only different. How the Papal brief could possibly be construed into an insult against Her Majesty, he was at a loss to conceive. Did She not know that a great portion of Her subjects were Roman Catholics—that they were not governed by Her as far as their spiritual concerns? It was an error to suppose that the apostolic letter of Cardinal Wiseman had ordered the subdivision of the country; for if they would refer to the letter of the Pope appointing additional vicars-apostolic, they would find the districts laid down in the same manner, districts formerly, dioceses now — eight created in 1840 — thirteen at present. He regarded the whole of the present movement as an idle argument about a name. The noble Lord at the head of the Government had himself admitted that he saw no reason why vicars-apostolic might not take the names of bishops, and derive their titles from Protestant sees. He said so in 1844, when he called it "a most foolish prohibition" to prevent Catholics styling themselves by the name of their dioceses; he repeated nearly the same in 1845; he did so again in 1846, when he termed the distinction "puerile" and "absurd." In addition, we had the Charitable Bequests Act in one year, the Irish Cemeteries Act in another, then followed Lord Grey's letter to the Governors of the Colonies, directing them to conform to the rule laid down at home, and address the Roman Catholic prelates by their titles; next came the letter of the Lord Lieutenant of Ireland, using the very term archbishop; next came the order from the office of Her Majesty's Chamberlain giving rank as well as title. Thus in 1844, 45, 46, 47, 48, and 49, we find in all quarters—not only at home but abroad—we find this respect shown, this rank given, and these titles allowed. What, then, are we to think, or they to think, when all this is reversed? Her Majesty's Ministers did not surely think that the people would consider the country ruined because Cardinal Wiseman had taken the title of Archbishop of Westminster; the army is not disbanded, —the navy remains—the taxes are still collected—and our revenue is augmented. The course which Government would adopt would make us an object of contempt, not only to Europe, but to all mankind. He must now refer to the extraordinary speech made the other night by the hon. Member for West Surrey. Of what religious denomination the hon. Member was, he did not know. He knew only that he was his (Mr. Grattan's) representative; but he certainly would never vote for him unless he improved his manners and changed his language. The hon. Member's ecclesiastical learning was profound, his Christianity was great, and his love for religion so overflowing, that he attacked not only the present generation but the past; he struck at friends or foes indiscriminately. He had dealt his blows with unsparing arm all around him; and if he (Mr. Grattan) was a lawyer, he would say that in calling Dr. Cullen a spy, he had involved himself in an action at law, from which it would not be easy for him to extricate himself. Dr. Cullen, he believed, was a county of Kildare man, and he (Mr. Grattan) had met him at various places both at home and abroad, and through him he had had various communications with the late Pope Gregory, who so far from being hostile to England, had only this fault, that he seemed almost too loyal to the Ministers, and too much attached to the British Government. But he knew how his hon. representative had been deceived in this matter: it was through the speech made at the late county meeting in Surrey by that distinguished ornament of the law, Sir Edward Sugden, who, coming forth from his retirement and his studies, told the meeting that the assumption of territorial titles by the Roman Catholic bishops was illegal. Now he had a high respect for that learned gentleman; he had recently been Lord Chancellor of Ireland, and on that occasion, in 1844, a question was brought before him as Chancellor relating to some Catholic charity, when he issued an instrument that run thus:—"We nominate and appoint the Right Rev. Dr. Crolly, Roman Catholic Archbishop and Primate of all Ireland." Here we find Sir Edward Sugden's judicial Act replying to his speech. So another Irish Chancellor, Lord Campbell, in the second volume of his *Lives of Lord Chief Justices,* spoke of Oliver Plunkett, as Archbishop of Armagh and Primate of all Ireland. He wished to know if the Bill would provide for such cases as these? Were they to punish officers in a court of law for giving such titles to parties when they came before them; or would they punish booksellers for publishing books that contained such titles? Passages in this transaction are so applicable to the system long adopted in Ireland, that I may be pardoned for urging them; the measure before us may involve the country in law, and other bishops be put on trial. Hear then, how Oliver Plunkett was tried—Judge Pemberton was the man who thus disgraced himself and the Bench by thus addressing him—" You have done as much as you could to dishonour God, for the bottom of your treason was setting up your 'false religion,' "—(the identical charge and words used by the Protestant clergy now). " There is not anything more displeasing to God, or pernicious to man;—a religion ten times worse than all the 'heathenish' superstition"—(this very word, heathen, too, is in the noble Lord Russell's letter);—" the most dishonourable and derogatory to God and his glory of all religions or pretended religions whatever." What was the noble reply of Plunkett?—

> " If I were such a man as your Lordship considers me to be, not thinking of God Almighty, or heaven or hell, I might have saved my life ; for it has been often offered to me if I would confess my guilt and accuse others ; but, my Lord, I would sooner die ten thousand deaths ! "

Now listen to the memorable remarks of your Chief Justice Lord Campbell. After censuring this impious Judge for so disgracing himself, he adds—

> " This most Rev. Dr. Oliver Plunkett, titular Archbishop of Armagh and Primate of the Roman Catholic Church in Ireland, was a man of splendid abilities, profound learning, unblemished life, and genuine piety"—

(observe, not a heathen—not a mummer)—but genuine piety, and what is more to the purpose, " of unquestionable loyalty." Lord Campbell proceeds further in his praise, but this suffices ; and I read the entire of the transaction, lest other Irish prelates may be calumniated and put on their trial; and I now put Government on their guard. For centuries the territorial designations of Catholic bishops in Ireland had been either expressly or impliedly recognised by lawyers, by judges, by Government officials, and by Acts of Parliament; and with what front could the Prime Minister rise up, in this age of toleration, and with professions of liberty on his lips, require that they should now be ignored, and made the subject of penal enactments? He had a distinct recollection that, during the sittings of the Committees which were appointed by the Lords and Commons on the Catholic question in the year 1825, the first question which was proposed by the Members of those Committees to the various Catholic prelates who were summoned to give evidence was, " Are you the Roman Catholic Archbishop of Armagh?" or, " Are you the Roman Catholic Archbishop of Dublin?" as the case might be. Those questions thus worded were taken down in shorthand. They were stereotyped on the historic records of the Legislature, and yet they were now to be told that there were no such persons in existence as Catholic bishops or Catholic archbishops, either of Dublin or of Armagh, or of any other places within the Queen's dominions. It was a hard thing to ask the House to stultify itself by so absurd a proceeding. If the House were accessible to the appeals of common sense—if, prejudice and intolerance being alike discarded, it were possible to test this question, not by the lurid glare of passion, but by the calm clear light of reason, the Bill now under discussion would be rejected ignominiously and peremptorily. It would not endure five minutes' discussion. He really thought this ought to settle the whole question; the Speaker might retire from the chair, and he might say,

> " Solventur risu tabulæ : tu missus abibis."

What had the Pope done but that which was done under the 5th of Victoria, which was an Act to amend the 26th of George III., enabling the Archbishop of Canterbury to send out Protestant clergymen to foreign countries, to exercise within such limits as may from time to time be assigned for that purpose, in such foreign countries of Her Majesty, spiritual jurisdiction over the ministers of British congregations, and over such Protestant congregations desirous of placing themselves under his or their authority? After this, how can the Minister presume to address us ? Mark, there are countries in which the Sovereign of England had no power or any claim of authority? Surely they would not be told that a thing was right when done by the Queen abroad, and wrong when done by the Pope at home. The case of America had frequently been referred to in the course of the present discussion, and the opinions of the Americans on the subject of toleration were well known; but he could not help reminding them of what took place at the celebration of the late anniversary of the arrival of the Pilgrim Fathers on that continent, a celebration at which the British Ambassador was present, and at which he and Mr. Webster delivered the noblest sentiments and most eloquent orations. Let me tell you who these pilgrims were—men who were driven from this country by religious persecution. *Junius*, whose style and writings I beg to recommend to the young men of this House, describes them beautifully:—

> "They left their native land in search of freedom, they found it in a desert;—divided, as they are, into a thousand forms of policy and religion, there is one point in which they all agree, they equally detest the pageantry of a king, and the supercilious hypocrisy of a bishop."

Mr. Webster's speech contrasted nobly with the rabid spoutings by which the civic entertainments of the Lord Mayor of London had been disgraced a few months ago, when bigotry and bacchanalianism went hand in hand, and a grave Judge, robed in ermine, did not scruple to declare his intention to walk upon the hat of a fellow-subject, Cardinal Wiseman. Mr. Webster, in the course of his eloquent harangue, took occasion to allude, with excusable pride and gratification, to the amount of religious freedom which men were permitted to enjoy in the United States. He called attention to this fact, that the head of the supreme court of judicature in the United States was an ardent adherent of the Catholic religion; and, he very justly added, that no man, of sane and candid mind, would say that, in consequence of that fact, the administration of justice in America has been less secure, or less respected, than it would have been had the chief justice been a member of any other branch of the Christian church. He continues thus:—

> "We see in our day a more enlarged and comprehensive Christian philanthropy—it seems to be the mission which God has entrusted to us on the western shores of the Atlantic—that all sects and denominations who love His will may be safely tolerated without prejudice to religion. Gentlemen, we are all Protestants; but you know there presides at the head of the supreme judicature a Roman Catholic; and no man imagines that the judicature of the country is less safe, or that the administration of justice is less respected, or less secure, because the Chief Justice has been, or is, an ardent adherent to the Catholic religion. We go on the idea that a man's religion is above human law—that it is a question to be settled between him and his Maker, to whom alone he is responsible."

These sentiments of Mr. Webster I recommend to Lord Truro: they are more valuable than the vehement orations delivered at Guildhall. He (Mr. Grattan) was not a Roman Catholic, although he had been twice mistaken for one in that House, by Members who, hearing the Catholic Church so slanderously maligned, had called upon him to stand up in defence of his religion. He was a Protestant by education and by conviction, but he did not presume to deal damnation round the land on his fellow-creatures and fellow-countrymen of a different religion from himself. He would not presume to anathematise the adherents of the Catholic Church, for he did not believe that an all-merciful God would have created so many human beings to be members of a false religion, and to be heirs, as such, of eternal damnation. He would give fearless utterance to the honest convictions of his heart, and he would endeavour to bring to the cheeks of the bigots that blush of which he grieved to say he as yet saw no indication. Why should the Catholic prelates be robbed of their titles? It was idle to retort by asking "what is in a name?" Everything was in a name when honour was wound up with it. What was a garter or a star but a bauble; yet what nobleman was there who would willingly permit himself to be deprived of either? Take his garter from the Duke of Devonshire,—you could not destroy his kindness, his benevolence, or his urbanity—but you would blemish his fair fame, tarnish his honour, and put such an indignity upon him, that he had rather forfeit life than submit to it. And so, too, was it with the Catholic bishops. They believed themselves entitled to a certain honourable designation, which had been theirs for centuries; and why should they be now deprived of it? Hon. Gentlemen would recollect, that in 1689 there was a contest about a name, when the House of Lords insisted upon one word, and their own predecessors insisted upon another; the one House said that the Sovereign had forfeited his throne, and the other said abdicated. But that contest was a contest about principle—it was very different from the present petty affair. Let not the Ministers suppose that they could with impunity defy public opinion in Ireland, and outrage the feelings of a nation. Behind the Treasury bench there was a power stronger than the bench itself. He was not disposed to offer a factious or vexatious opposition to the present Ministry; but if they trampled on religious freedom—if they systematically outraged the feelings of the Irish people, not on this question only, but likewise on the Spirit question, and on the question of the Abolition of the Vice-Royalty, he would exclaim, "Down with the Government of Lord John Russell, and up with the name, and fame, and character of my country!" It was all very well to say that Victoria was Queen by the grace of God. Why, so she was, but she was also Queen by virtue of another title equally pleasing in the sight of God—the unbought love of her people. Of what avail was the grace of God to Charles at the block, or to James, a heartbroken wanderer in a foreign land? They were both ruined because their thrones were not in the hearts of their people. In Ireland there was a Church without a religion, and a religion without a Church. Can things go on as they are at present? The late census gave eight millions of people to Ireland, six millions and a half Catholics, 650,000 Presbyterians, and 852,000 Established Church, the most of them in one of the four ecclesiastical provinces—in Armagh, 500,000, in Derry, 156,000—while the Catholics are 3,400,000. In the diocese of Cashel, 95 of the population are Catholics; in Tuam, 96; in Derry, the Protestants are only $1\frac{1}{4}$ per cent; 41 benefices have not a single Protestant—99 have from 1 to 20, and all these are endowed benefices; in 3 parts out of 4, the Established Church is in a very small minority; the upper grades are paid; the lower, who do the labour, are left a very slender portion, the curates and working men are nearly starved. I alluded to them before, and the House would scarcely listen to their wretched condition. I ask, can a Church thus situated go on? Will these revenues be thus maladministered, and will not this very Bill endanger the future, and raise another war against the tithes? In fact, the true pastors of the people who lived in these benefices, were the Catholic clergy, and yet they were to be insulted and disparaged, and to be denied those titles which were conceded in all other countries to persons in their position. The Irish Members had given to the present Ministry their cordial and effective support; and the way the noble Lord at the head of the Government evinced his gratitude was, by writing an after-dinner letter, in which he insulted them and their countrymen. They supported him in his prosperity—they cheered him in his adversity; and he turned round upon them and deliberately insulted them. In his letter, he sneers at their poverty as Irish "immigrants;" at their condition, as Irish "heathens;" and at their religion, as "mummery, and superstition." He disgraced them in the face of the world—tore the epaulettes off their shoulders, and drummed them out of his regiment. [*Laughter.*] I ask, why should the noble Lord insult the religion of the masses of the Irish people? Why should he prevent them from giving to Catholic bishops such designations of honour as they believed to be due to their piety, their learning, and to their historic descent from an apostolic age? It was in the year 1813 Mr. Grattan brought in a Bill, in the preparation and advocacy of which he was assisted by Mr. Canning, Mr. Wilberforce, Lord Castlereagh, Mr. Plunket, Mr. Bushe, and other eminent men. He had the right to reproach the British Government and their predecessors for throwing out that Bill, for it guarded against the danger which the noble Lord apprehended. Mr. Canning introduced clauses which provided that a Roman Catholic bishop should make known his nomination to the commissioners proposed to be appointed under the Bill, who were to report the same to His Majesty; and the Bill also provided that any Papal bulls should be reported to the commissioners, so as to enable them to certify that the ecclesiastics appointed under them were loyal men. Why had the House of Commons rejected that Bill? If it had been passed, the present altercations and heart-burnings would have been avoided. In conclusion, he would say to the people of this country that they might be a great and powerful people, but a nation might be raised to a great height in order that her fall might supply a more impressive lesson to mankind. Death might come to a nation, as to an individual, by some trivial accident which passion occasioned, and which judgment might have warded off. Let them not forget the allegory of Achilles' heel and Hannibal's ring—

> "Ille Cannarum vindex et tanti sanguinis ultor
> Annulus"

proved the destruction of one whose ambition was once the scourge of the universe. He did not desire so sad a fate to England; but he hoped that, warned by the crimes and follies of other nations, she would pursue a course which would promote her own happiness, and tend to shed perennial splendour on her reputation. It was only by pursuing a highminded and generous policy that England could hope to secure the favour of her friends, and to make her way good against her enemies.

> "Macte novâ virtute, puer: sic itur ad astra,
> Diis genite, et geniture Deos: jure omnia bella
> Gente sub Assaraci fato ventura resident:
> Nec te Troja capit."

MR. DRUMMOND begged to explain. What he had stated was, that after the Court of Rome had received intelligence that the Earl of Clarendon had been consulted on the matter of the Queen's Colleges, the Pope, before he took any steps, had sent over Dr. Cullen to spy out what was going on. It was, obvious, then, that there was no room, in the application of the word which had been chosen, to take offence. He had not said that there was any harm in what the Pope had done, or in what Dr. Cullen had done.

MR. CONOLLY said, that in dealing with this important subject, he should not forget what was due to the feelings of Roman Catholics in reference to their religious opinions. The response given by England to the claims of the Pope was similar to that given by Spain—the most Roman Catholic country—by Austria, Belgium, France, Holland, and Russia; they one and all had asserted that the powers of the Pope of Rome must be restricted within certain bounds. Those nations had not all taken the same course or applied the same restrictions, but they had all proclaimed with one voice that the powers claimed by the Pope were incompatible with the government and independence of a free State. And should England alone, of all the countries of Europe, suffer such a power to grow up unrestricted within her territories? He did not mean to say that penal laws ought to be enacted, or any such thing, but he contended that that power ought to be restrained. He thought history would bear him out in asserting that those countries which enjoyed the greatest comparative amount of freedom were those in which the powers of the Pope had been the most restricted. This was remarkably true of Holland, and still more especially so with regard to England. A charge of intolerance had been made against those who opposed the pretensions of the Pope to govern in this country, but he denied that there was the slightest attempt made to prevent any Roman Catholic within the realm of England from freely exercising his religion. He was desirous of preserving to his Roman Catholic fellow-countrymen the most perfect religious freedom, but he also claimed on behalf of Protestants some guarantee against the temporal encroachment of the Bishop of Rome, and for the preservation of that liberty which always was considered as the birthright of Englishmen.

MR. W. P. WOOD thought it rather inconvenient to discuss the subject at such great length upon the Motion for leave to bring in a Bill. He would much rather have seen the Bill laid before the House before he entered further on the discussion of it. At the same time, principles had been advanced, more particularly by hon. Members on his own side of the House, so perfectly at variance with the views that ought to lead to a right conclusion on the subject, that he felt it impossible to remain silent. He heard it asserted, first, by the hon. and learned Member for Sheffield, and, with great surprise, afterwards by his hon. Friend the Member for Manchester, with whom he thought there was an accordance at least on one point of their political creeds, that the opinions expressed throughout the country in so plain and unequivocal a manner—in a manner more decided than anything he could recollect since the agitation for the Reform Bill, were to weigh for nothing; nay, more, that those who so expressed their opinions were to be stigmatised with bigotry. He wished, as he had always wished, that the opinions of the large masses of the people of England should have yet more weight and effect than they now had in that House. He had always wished, and still wished, that the suffrage should be extended, and the effect of that extension must be, in a great measure, no doubt, to bring public opinion more strongly to bear upon questions that were discussed in that House. Were they to be told by the hon. Member for Manchester that the public opinion of the country, whenever it differed from his own views, was to be set at nought? He (Mr. Wood) trusted he should be able to show that there had been no feeling of bigotry in this matter whatsoever. It was true there had been great earnestness, but nothing of bigotry. He did not, of course, speak of individual speeches, some of which might have been replete with bigotry, but of the resolutions that had been passed, and he would say, that they had in the main been characterised by the high honour and good sense of our fellow-countrymen. They had each and all repudiated the notion of returning to the penal laws; and whatever bigotry there might have been in individual speeches, no man had been bold enough to propound a bigoted resolution at any one of the meetings that had taken place. It was satisfactory to his mind that those meetings had taken place in a constitutional mode, and that they had not been the result of any agitation whatever. They were spontaneous meetings of counties, municipal corporations, and vestries, to express their opinion in a constitutional and legitimate manner. Besides that they had other bodies who were not generally actuated by rash and hasty motives, and certainly not in general with any great unanimity of sentiment, yet who had spoken out most unequivocally on this subject, as the College of Physicians, and other scientific bodies; and he might also allude to a meeting of the members of his own profession, who were not accustomed to take a very active part in political matters, and who were not in the habit of attaching their signatures unadvisedly to any document. There was an address signed by 756 barristers residing in London; and, so far from its being called forth by the letter of the noble Lord at the head of the Government, he knew that it had received the signatures of many, and among others his own, before that letter appeared. But to talk of the letter of the noble Lord producing this extent of public feeling, he must say, with all respect for the noble Lord, was to attribute to him a power he did not possess. The feeling was called forth by the act of aggression on the part of the Pope, which the people regarded as an insult towards their Sovereign, and the revival of a power long dormant in this country, but which they knew would resuscitate the old and antiquated claims that our ancestors resisted before the Reformation, and which their successors were determined also to resist. But earnestness was not bigotry any more than indifference was liberality. Bigotry consisted in that narrowness of mind which could not always perceive that the same truth was still the truth, under whatever aspect it presented itself. Again, it consisted of a narrowness of heart, a want of being able to sympathise with the errors of others, if even they were errors, and of imputing to others wrong motives. But there was an earnestness and devotedness of opinion which might well consist with the utmost liberality and enlarged conduct towards those who differed from us. He hoped he should not fall into the error of bigotry; and all he should say was, that he would abstain from saying one word or expressing one sentiment that was calculated to wound the religious feelings of those who heard him. The document which had proceeded from the bar had been signed on the ground that there had been an aggressive assumption of power on the part of a foreign potentate, which was an insult to our Sovereign; that there had been a parcelling of this country into local districts and dioceses which it was impossible to permit any foreign Power to attempt. That opinion, he was happy to perceive, had been affirmed by several able addresses delivered in that House. It was very easy for Cardinal Wiseman, and those who advised him, and published pamphlets and other documents in his defence, to tell one thing to us, whilst there was another perfectly well understood by the whole of the Roman Catholic community to which they belonged. They were told there was nothing but a change of name, and that was echoed by his hon. and learned Friend the Member for Sheffield; and they said "What is there in a name?" He was Vicar-Apostolic and Bishop of Melipotamus. Now he is Archbishop of Westminster. He held also the dignity of Cardinal, but that had nothing to do with this particular act; but the difference of his being Bishop of Melipotamus and Vicar-General, and of his being Archbishop of Westminster, was just this—that as Vicar-General he had no jurisdiction whatever; he had spiritual influence, he had spiritual power, the power of ordination and every other exercised *in foro conscientiæ*, but no power *in foro externo;* while as Archbishop of Westminster he claims a power *in foro externo.* That distinction was perfectly well understood by all who knew anything of this subject. There might be jurisdiction as regarded spiritual matters, totally distinct from jurisdiction as regarded ecclesiastical matters. The spiritual power, as opposed to temporal power, was one thing; and ecclesiastical power, opposed to spiritual power, was another. Every bishop of a diocese exercised jurisdiction, not over 100, or 200, or 300 individuals in his diocese; but claimed, though Roman Catholic bishops could not enforce it as the law stood, to exercise a jurisdiction distinct and direct—an ecclesiastical jurisdiction—over every inhabitant residing in his diocese. Dr. Wiseman perfectly understood that, and those who advised him understood it also. He would illustrate this distinction by reference to temporal jurisdiction. Now, by treaties with Turkey, the Levant Company—and by subsequent treaties, the Consuls-General—had entire plenary jurisdiction over all British residents in certain districts of Turkey; but did they suppose that the Sultan would allow any of our Consuls-General to say they governed the districts of Beyrout or Lebanon? Certainly not. These parties governed the English subjects by treaty in those particular districts; but had no power or authority over the districts themselves. But if they were to say they were governors of Beyrout or Lebanon, the natural inference would be that they governed as pashas. The very term "diocese" was a well-understood term; it was not new—it was of old classic Latinity; they would find it in Cicero, he believed in one of his Letters, where he spoke of a diocese *cis Taurum* as being part of his province of Cilicia; and the Church had introduced that term, as it had many others of the Roman Empire, into its vocabulary. It always meant a local district, including every inhabitant in it; and, in that respect, differed from a mere episcopacy exercising a vicarious jurisdiction, as, for instance, a Bishop of Melipotamus. It had, also, always been accompanied by the appointment of a *sedes*, or principal town in the diocese, translated by us the bishop's see. If that were so, was the House to be told that they were talking of mere names when they attempted to draw a distinction between a Bishop of Westminster and a Bishop of the Roman Catholics in Westminster? The late Bishop Coleridge, when he retired from his bishopric of Jamaica, and lived among us, was a bishop in Westminster, but not Bishop of Westminster or London; and so it would be with any other bishop residing in, but not holding, any see in this country; a bishop of a diocese there could not be in this country except with the authority of the Crown. There could be no see erected—and Roman Catholic jurists agreed that the Pope could not erect any new see or diocese—against the consent of the country in which it was proposed to be established; and, more than that, some of the authorities said it could not be done without the express consent of the Sovereign. Such were the opinions of Van Espen, Thomassinus, and Schramm. If so, what consent had been obtained to this act by which the Pope had taken upon himself to create new dioceses in our country, and to erect new sees therein? The Roman Catholics themselves well understood these things: owing to the strong regulations lately made in France with respect to public newspapers, they had the names of the authors of the different articles, and in this case he found a recent article in the *Univers* with the well-known name of *Gondon*, a Roman Catholic gentleman well skilled in canonical learning. After quoting the Bishop of London's words, that the brief was a denial of the Queen's authority, of the English episcopacy, of the validity of our orders, and a claim of spiritual jurisdiction over our whole Christian population, M. Gondon continued:—

> "The brief of Pius IX. is, in fact, nothing less than that. The Bishop of London exactly appreciates its bearing. Just as St. Gregory transferred the primacy from London to Canterbury; as Popes Boniface and Honorius confirmed this change, so Pius IX. transfers to-day the primacy of Canterbury to the new archiepiscopal see of Westminster. It is by virtue of the authority bequeathed to him by his predecessors that the Pope substitutes for the see of London that of Southwark, and abolishes all the ancient sees erected in England by the Popes who have preceded him in the chair of St. Peter. Consequently, from the promulgation of the brief, there exists neither see of Canterbury, nor of York, nor London, nor any of the sees established anterior to the Reformation. The personages who shall for the future assume the titles of Archbishop of Canterbury and Bishop of London will be mere intruders, schismatic prelates, without any spiritual authority."

Was this, then, no insult? The hon. Member for Mayo says "Hear, hear!" He thought, if any person in Ireland, not in a state of intoxication, happened to enter the house of his hon. Friend, and said—"I am master of the house, and claim to possess it by virtue of a title far anterior to yours," and suppose he produced some document anterior to Cromwell's time and entered the house, his hon.

Friend would surely consider it an aggression as well as an insult. That being the state of international law, let them see how we in England had always looked upon this matter. England, from the first, had acknowledged the right of the Sovereign in this particular. The Church of England had never attempted to create or erect a see otherwise than by Royal authority. An hon. Friend said the Crown had no power to erect a see; but the Crown had the power to grant colonial sees, and why not sees in England? Simply for this reason—that they existed, and that they could not alter them. He was told that the See of Manchester was created; but in that case part was taken from the See of Chester, and part from that of York. The Crown had not the power of destroying sees—it could not destroy one tittle of the See of Chester, or one tittle of the See of York—therefore an Act of Parliament was necessary to erect a new one out of them. But where there was no such see, as, for instance, the Cape of Good Hope, the Crown did erect a see of its own power. An hon. Member says, "So may the Pope." So might the Pope in countries under his own jurisdiction. He (Mr. Wood) cared not how many sees the Pope created in Romagna; but he could not erect another see on the whole continent of Europe. He had never been allowed to do so. We never allowed him to do so in England, and he (Mr. Wood) hoped we never should. The right to create a see being a sovereign right, an attempt on the part of any other person to do so was illegal at common law. Every lawyer would tell them that the assumption of any portion of that power which could be exercised only by the Sovereign, for the purpose of creating a title or dignity, still more a jurisdiction, which could only be conferred by the Crown, was illegal in common law. The man who merely held a court leet (the lowest jurisdiction that could be exercised) without authority, was liable to an indictment. But the matter did not stop there. Cardinal Wiseman—he did not speak of the Pope, who had merely offended, though most grievously, against the law of nations—Cardinal Wiseman, and the others who acted under the Pope's assumed authority, clearly infringed the 16th of Richard II., and as clearly the 13th of Elizabeth. To talk, as some Gentlemen talked, of the House being about to legislate *ex post facto* in this matter, was to talk altogether without information. This confusion had arisen in some people's minds because there was a clause in the Act of 1829 (the Emancipation Act) which fixed a certain statutory penalty on the offence of assuming the title of an existing bishopric; therefore, to use the words of Mr. Bowyer—*expressio unius exclusio alterius*—the section affixes a penalty on the assumption of particular titles of particular existing sees; therefore there can be no offence in taking a title which does not exist—the prohibition in the Act of 1829 repeals the 13th Elizabeth. Surely this was defective reasoning. A new penalty was created by the Act of 1829, and that new penalty could not be extended beyond what was expressed; but the affixing of a new penalty did not repeal the old statutes. There was the statute of Richard II., which, after reciting a much less offence, namely, that the Pope had attempted to translate bishops in England from one see to another, uses this singular preamble:—

> "The Commons aforesaid said, that the said things so attempted be clearly against the King's Crown and regality used and approved in the time of his progenitors—wherefore the Commons will stand with their said Lord and King and his Crown and regality, and in all other cases attempted against him. The Commons also recommend, that the Lords spiritual and temporal should be asked what they thought of the Pope's conduct; and this having been done, the Lords temporal declared that they would support the King's Crown and regality;"—

and the Lords spiritual, with some trifling savings and reservations, did the same.

> "It was then enacted, by the common consent of Parliament, that whoever introduced any bulls to effect such translations, or in any way to touch the King's prerogative, should incur the penalty of *præmunire.*"

There could be no question that the offence here committed fell precisely within that statute, and still more clearly, if possible, did it fall within the statute of the 13th of Elizabeth. To say, therefore, because one of the sections of the Emancipation Act inflicted a particular penalty for a particular offence, the statutes of Richard and of Elizabeth were repealed, and that we were now making an *ex post facto* law, exhibited an entire confusion of ideas as to the objects of the several statutes, which were perfectly distinct. The object of the section in the Emancipation Act was to prevent the assumption by any person of the titles of already existent sees, an assumption obviously insulting to the actual holders; but the object in hand here was to consider, not how they were to deal with persons irregularly assuming titles which did not belong to them—in itself, no doubt, a thing to be deprecated—but the much graver and wider question, whether we were to allow any person to set up in this kingdom that power which once disturbed all Europe, and which, for anything we saw, might, amid the strange and inscrutable circumstances passing around us, once again be made the instrument of confusion and disturbance. Of all the monstrous misrepresentations—and there were many of them—put forward by Cardinal Wiseman, there was scarcely one more monstrous than the pretence that the case of the Protestant Bishop of Jerusalem was a parallel case with his own. With reference to this statement, he had carefully compared the patent of the Bishop in Jerusalem with the patent of the Bishop in Gibraltar. The former merely appointed a bishop as bishop in Jerusalem, residing in a foreign country, to be a bishop of the United Church of England and Wales, having spiritual jurisdiction over such Protestant communities around him as thought fit to unite themselves with him; but it gave him no district or diocese—nothing more, in its way, than was given to the consuls of the Levant in theirs. When, however, he came to the patent of the Bishop of Gibraltar, he found that, applying to a portion of the Queen's own dominions, it gave to the Bishop of Gibraltar a diocese of Gibraltar, with the same authority and jurisdiction therein that a bishop of the Church in England enjoyed in his diocese. In the case of the Bishop of Jerusalem, then, the Queen of England had not broken the law of nations, as the Pope had been persuaded to do in the case of Cardinal Wiseman. The Pope, no doubt, had been misled throughout the whole business, and, probably, among others, by the same councillors who, in February, 1848, urged him to despatch a similar incendiary letter to that he had sent to England to the bishops throughout the East, redistributing their patriarchates, as he proposed to redistribute the episcopal sees of this country. He had read with great pleasure extracts from the encyclical letter, in which the four chief patriarchs of the East, those of Antioch, Constantinople, Jerusalem, and Alexandria, had repudiated with astonished indignation the insulting aggression of the Pope of Rome. It was contended, however, that the present was no new claim on the part of the Pope; that the brief of Pius IX. had a recent precedent in the brief of Gregory XVI., with reference to the enlargement of vicariates; and that both the one and the other were mere matter of form, nothing more. The annihilation of the whole existing state of things in Protestant England was a mere form, nothing more! But, on carefully going over the brief of Gregory XVI., he found that it was essentially different from the brief of Pius IX. The brief of Gregory XVI. spoke throughout, not of a Roman Catholic Church in England, but merely of the members of the Roman Catholic faith in England, and of the expediency of providing their increased numbers with increased vicarial superintendence; whereas the brief of Pius IX. set forth nothing less than this—that the Church of Rome, which had been extinguished for 300 years in England, must be revived, and that he (the Pope), in the plenitude of his apostolic power, ordered and decreed that, throughout the kingdom of England, that Church should once more flourish by the medium of a hierarchy of bishops of her own, and by the reintroduction of the canon law. Since the Reformation, no such attempt had been made in the realm of England by any Pope of Rome, even the most daring. In the whole of the bull of Gregory XVI., published in 1840, you would never find him speaking of the Church in England, or of setting up a hierarchy in this country, but of the Catholics, and the persons over whom he had appointed vicariates. It was said, by the Member for Sheffield, "Oh! the Cardinal is but a poor simple humble priest, claiming only to rule by reason over the Roman Catholics committed to his charge." He (Mr. Wood) thought they went rather upon authority than reason. It was said again that Cardinal Wiseman was merely to exercise that sort of spiritual jurisdiction which it was right that the members of all churches should have the benefit of. But what did he (Mr. Wood) find in the somewhat strange document of the Cardinal—something calculated for the meridian of Italy or China, rather than England, and which he could hardly have expected the Cardinal would have had the boldness to publish? This, amongst other passages of a somewhat similar character:—

> "Your beloved country has received a place among the fair Churches which, normally constituted, form the splendid aggregate of Catholic

communion. Catholic England has been restored to its orbit in the ecclesiastical firmament, from which its light had long vanished, and begins now anew its course of regularly adjusted action round the centre of unity, the source of jurisdiction, of light, and of vigour."

That was his claim. The Cardinal admitted that it was a new affair for England to revolve round the Pope as the source of jurisdiction. Now, he (Mr. Wood) maintained that with regard to all matters ecclesiastical as distinguished from spiritual, the Queen, and the Queen alone, was the source of jurisdiction. The Cardinal in his *Appeal* had presumed on the ignorance of those whom he addressed, and had stated that the Queen created our bishops. She appoints them to sees, but he well knew that neither King nor Queen of England ever pretended to exercise spiritual functions. They never pretended to consecrate a bishop, or ordain a priest. The House of Commons was told not to revive obsolete statutes; the most pertinent instruction to Cardinal Wiseman and those who acted with him was not to revive obsolete claims. He approved of the advice of the Attorney General which was read by the noble Lord who opened the debate, to the effect that it was not desirable to have a prosecution on obsolete statutes; but he (Mr. Wood) thought a most unjust advantage was taken of that by his hon. Friend the Member for Dublin, when he represented the Attorney General to have stated, through the medium of that opinion, that nothing had been done contrary to the law. That opinion was explicit that the law had been violated. The Cardinal, and his friend, Mr. Bowyer, who advised him, very confidently asserted that they had done nothing contrary to the law, and they were quite prepared to try the question. They said to the Government, "Prosecute us." They relied, he did not doubt, upon the good sense of the Government, who were averse to instituting a prosecution upon old statutes—never very popular in this country. But when parties did present themselves prepared to bring the question before a legal tribunal—when they said to the Cardinal, "Be kind enough to admit the facts, and we will prosecute you," the Cardinal thought twice of the matter. The Cardinal had been praised for his discretion, and he (Mr. Wood), too, praised him for the possession of that virtue, but at the same time he must say that he did not appear very anxious, after all, to have the question legally debated and settled. He

(Mr. Wood) might say, *Habemus confitentem reum*—the Cardinal had admitted that he had transgressed the law, but he was not anxious to try the question. There was a general sympathy for all persons brought to trial, a wish throughout the country that even our murderers should escape, and many called punishment tyranny; and the Cardinal, therefore, would have the advantage of that feeling, and the growing cry against severity of punishment. If, then, he were so confident that he had not transgressed the law, and if he were anxious to have the legality of his conduct settled, why did he not admit the necessary facts? Until the question were tried, the Cardinal could not say that he had not transgressed the law; and he (Mr. Wood) should remain of opinion he had transgressed it. The Act now proposed to be passed was simply a declaratory Act; it was called for by the occasion, by the proceeding, to which he hoped the people of England would never submit. It was no such trivial thing whether the Cardinal was Bishop of Westminster or in Westminster. The Pope's bull made England one province; and the Cardinal, as archbishop, was to rule over his suffragans. Unless this was done, the Roman Catholics themselves said, there could be no synodical action; they could not meet in synod. That was what the bishop wanted. Without that synodical action the canon law could not be introduced, and that was what the Cardinal wanted to introduce. The noble Lord the Member for Bath had read a passage from the canon law; he (Mr. Wood) had brought extracts of that law with him in Latin; but as the noble Lord had already read a portion of it to them in English, he (Mr. Wood) would content himself by quoting one of the fundamental maxims of that law, namely, *Constitutiones principum ecclesiasticis constitutionibus non præeminent sed obsequuntur.* The laws of a State, therefore, had no effect whatever against the canon law, and thence came the question of a double allegiance. No wonder that the distinguished loyal Roman Catholics of the country felt alarm at the proposed introduction of the canon law into this country. If the introduction of that law into England was one of the objects of the new hierarchical appointments, surely we had to deal with a far graver question than whether the Cardinal should be styled Archbishop in Westminster or Archbishop of Westminster. At certain epochs of our history it might have been excessively inconvenient for us to have the canon law in operation in England. During the Pretender's time, for instance, it was customary, and probably courteous, to call James the Second King, but it would have been quite another matter to have called him King of England, and to have applied the maxims of the canon law which relate to the question of allegiance. Having said thus much upon the general illegality of the matter, he had only one or two words to say in reference to some observations that fell from his hon. Friend the Member for Manchester, with regard to the Church of England. That hon. Gentleman seemed to think that this was the moment for making an onslaught on the Church of England. Well, his hon. Friend the Member for the University of Oxford said he thought it a very ill-chosen time. He (Mr. Wood) was not so sure of that. The Pope's attack was upon the Church, and it was not the first time that the Society of Friends had united with Papists for her destruction. He (Mr. Wood) was a devoted member of the Church of England; but he had reasoned upon the matter as a question of State policy: he must nevertheless take leave to say, that when the hon. Member for Manchester talked of Fox and other leaders of his co-religionists who had undergone imprisonment for their faith's sake, he (Mr. Wood) would beg to remind him that there was another member of his society as celebrated as George Fox—William Penn—who was basking in the favour of one of the most bigoted monarchs who ever reigned in England at the very time when the seven Bishops of the Protestant Church were confined in the Tower for vindicating their religion and the liberties of the people from the monarch who was seeking to overturn both. He (Mr. Wood) could not help recollecting that the Church of England was a portion of our history, and was one of our institutions; and when the hon. and learned Member for Sheffield reproached the noble Lord at the head of Her Majesty's Government for bringing in this measure, and alleged that it was very clear that the noble Lord could not have read history, he (Mr. Wood) felt that the state of the case was exactly the reverse, and that it was because the noble Lord had read history that he had brought in the measure. It was because the noble Lord had read of the influence of the Court of Rome, and the manner in which it used that influence; it was because of the proud position which the Church of England now occupied, and the condition to which other Churches had been reduced that had submitted to the See of Rome, that the noble Lord had introduced this Bill. We all know that for two centuries and a half before Romish priest ever set foot in this country a Christian Church existed here. Our bishops attended Councils before the Papal influence was known or existed. We know that the same Anglican Church has continued to the present time; and one of its most important features, in his opinion, was its historical continuance. He believed that the great blessing and happiness of our country was this, that the constitution had an historical growth, that we had grown step by step, and that you could not put your finger upon any part of English history and say, "Here it was that a new constitution sprung up." We did not see mushroom constitutions among us, as was the case with our neighbours, because we had a firm hold on the past; we were a living people, a people who had lived from century to century in our corporate capacity, with all our institutions growing as from a living root. Now, he maintained that the Church of England was also one of these great living institutions. She had proceeded hour by hour, day by day, and year by year, in her growth, and you could not tell of any period when the Church of England became a new Church. She reformed herself with her own intrinsic vigour; from that reformation had sprung a source of blessings to the country both in Church and State. And he remembered that when there was, for a short time, a gap in our constitutional history—when despotism was established in this country under the name of the Protectorate, he remembered that at that same time the Church was extinguished. He said this because he agreed with the noble Lord the Member for Bath entirely in deprecating—none could feel it more earnestly or seriously than himself—the spectacle of those who, holding preferments in the Church of England, had found it consistent with their duty, when their hearts were already weaned to Rome, when they had looked upon her, and had lusted after her, still to continue to officiate in our churches—he talked not of receiving the emolument, that was but a poor and wretched consideration, but who had continued to use the influence which they obtained by being placed in that position in order to pervert the hearts of the people. He was not speaking in the presence of Roman

Catholic priests, but he was speaking in the presence of Roman Catholic Gentlemen, and he felt most perfectly convinced that there was not one Gentleman who heard him who must not be disgusted with the conduct of those individuals who, whilst performing the offices of one Church, were preparing to pass over to another. He knew the case of one unhappy man, who remained officiating in the Church of England, and who carried away with him the two children of the organist when he went over to the Church of Rome; and he knew another instance in which a young man of 17 or 18 years of age, who, when at college, when his father was absolutely in a foreign clime, had been led away by one of those new bishops, who now affected to hold sees in this country, and he knew parties who had letters from that bishop requesting them to keep it perfectly concealed from his mother and the whole of his family. Proceedings of this sort were most degrading and had excited just indignation, and he went so far with the noble Lord; but when the noble Lord told them that there were parties in the Church who were prepared to go "all lengths," in order, as the noble Lord had termed it, to "purify the Church," he would say that while he would go all lengths to prevent such abominations as he had referred to, yet on the other hand, they must be very careful how they judged the conduct of others. They knew that in all churches there were parties who took different views, and that those who took a strong view with one party were apt to look upon those who at all differed from them as having just gone to the contrary extreme; while those who remained in the middle were supposed by each to belong to the other party. He rejoiced to say that there were many now who held that high middle position, and who knew exactly the claims of our Catholic Church holding Catholic truth, and her claims as a Protestant Church, protesting against what she conceived to be the grossest corruption of the Church of Rome. He trusted that that same earnest zeal which had hitherto been shown would continue to be manifested throughout England, directing itself to repel every aggression of this description, saying, "We will not allow our Sovereign's rights to be trampled on; we will not allow any foreign potentate to exercise control over us; we will not allow his bishops to act in synodical convention under his authority; and we will exert ourselves, not by violent agitation, but by the plain discharge of all our own duties in our several positions, by an earnest zeal in the erection of new churches and the appointment of additional clergymen, to preserve our Church in all the purity of the Reformation." He did not believe that the defection from our Church had been so great as it had been represented. He had carefully examined a Roman Catholic Calendar, and he found that in a space of nine years they were able to state that about 70 clergymen of the Established Church had gone over. Now 70 was no doubt a great number, but still 70 out of 15,000 was not so fearfully alarming that we should therefore despair of the Church, or should think of going to all lengths, or any length, in order to do that which might lead to that fatal result—the disruption of that Church. In conclusion, he denied that anything he had said was of a retrogressive character. Why, their course was simply defensive; and when the hon. and learned Member for Sheffield (Mr. Roebuck) said, that everything was so calm and so smooth until the noble Lord's letter, he thought it strange that the hon. and learned Gentleman should have forgotten the intervening letters of his Holiness the Pope. He (Mr. Wood) trusted that they should have no more of those letters, and for that reason he supported this measure. The hon. Member for Buckinghamshire (Mr. Disraeli) had declared the measure to be paltry, mean, and useless; he suggested no other, however; but he (Mr. Wood) thought that the people of England would not be satisfied with the mere bare denial of the utility of the measure, without being provided with some standard to compare it with. For himself he believed, if the Bill should contain a simple solemn recital of the position of the Sovereign with regard to these matters, and of the illegality of creating these sees without Her consent, that it would do what was expected by the country, and what would be sufficient for the present emergency. It became them to embody in the great corporate voice of the nation the voices of those several meetings and assemblies which had resounded from one end of the kingdom to the other, requiring that a stop should be put to this insolent aggression—insolent, he believed it to be; aggression unquestionably it was; and if they answered the people of England by putting that solemn protest upon record, and by preventing the Pope saying that there was the least assent to his procedure upon the part of the people of England, they should have vindicated their consistency as protesting against the acknowledgment of that Church on the one hand, and against his interference with our Government on the other; whilst at the same time they should free themselves from any charge of bigotry or intolerance, and should set an example in the face of the world which was worthy of a great nation. One word with reference to America. They might talk of America not having felt itself aggrieved by the recent appointment of a Papal hierarchy; but America had none of those ancient claims to resist which so much distinguished the Papal attacks on the Church of England. America had not adjacent to it the continent of Europe, where, as the noble Lord had said, the Pope could summon the aid of three armies. We have historical recollections which America has not; we have a constitutional history which she has not; and the whole thread and tenor of our constitutional history is this, that there is no Power on earth who has power and jurisdiction, temporal or ecclesiastical, within these realms other than the Queen of England.

MR. TORRENS M'CULLAGH said, that while he listened attentively to the speech of his hon. and learned Friend who had just sat down, he was unable to detect in the greater part of that speech any logical attempt to reason in favour of the first reading of this Bill. His hon. and learned Friend would forgive him, he trusted, for saying, that though the first part might have been a very plausible speech to evidence, had a prosecution been instituted on the part of the Crown, and though the latter part might be very well suited to a Church of England meeting, neither the one nor the other furnished a justification for the Act proposed to be done by a Parliament of all the subjects of the Queen, without regard to creed, assembled from every portion of a widely-extended empire, and supposed to represent impartially and to respect equally all the conscientious feelings which men could entertain with reference to that greatest of all relations, the individual relation of man to his God. His hon. and learned Friend must excuse him, therefore, if he (Mr. M'Cullagh) did not stop on the threshold of what he had to say to debate with him matters of special pleading as to the construction of statutes condemned by the highest authority as obsolete. For, be it remembered, that the greatest authority of the party opposite—from whose principles he had differed since he was capable of political thought—the greatest authority of the party opposite, not five years ago, sitting as chief magistrate of this empire in the other House of Parliament, did himself, and the party to which he belonged, the honour of repudiating the policy of these antiquated remains of persecution, and of expunging their barbarous penalties from the Statute-book. Five years had not elapsed, and the party in Parliament and the country who urged Lord Lyndhurst to undertake this great act of tardy justice to an insulted minority of the Queen's subjects, that party now came forward with special pleas, as to whether these wretched laws of a bigoted time were not yet in sufficient force for a prosecution. The hon. and learned Attorney General had talked of this affair of Cardinal Wiseman's as "an offence;" but if it were an offence, it must have been explicitly either against the Crown or against some portion of the subjects of the Crown; and if against the Crown, it was clearly the duty of the law officers to have instituted proceedings, no matter what the issue, and to have vindicated the insulted rights of the Crown. He did not think, however, that they had erred in judgment in abstaining from a prosecution: such a proceeding would have been a disgrace to the age; but then it was too bad to come down to that House when the passions of the dominant creed and nation had been lashed to fury, and to prejudge the question, whether the law had been broken or not, by using the phrase "offence" deliberately as they had heard it used that night. It was a very unusual course to object when the First Minister of the Crown asked leave to bring in a Bill. The convenience and the courtesy of the House concurred on almost every occasion in granting that permission. But this was no ordinary occasion; and he would venture to say, when the division was called, that men who had never before voted against leave being given to the head of the Government to bring in a Bill, would be found to vote against that Motion now. The very form in which the question was put, reminded them of their duty and their privilege—the privilege and the duty of gravely considering was the subject a fit one for legislation. The question must mainly turn upon this, were they justified as a Parliament not exclusively Protestant, not exclusively Anglican, not exclusively of any denomination — were they justified, on public policy, and the high responsibility they owed for the welfare of the nation at large — were they justified in opening the gate again to sectarian legislation, and that avowedly with the view of recommencing the policy of ascendancy? He listened to the speech of the noble Lord at the head of the Government, in bringing forward this Motion, with anxious attention; but he must say, that the conclusion he came to was—not that great ability had not been displayed—that the noble Lord had made out no case for the interposition of Parliament in the internal discipline of the Catholic Church; because, to ignore by Act of Parliament the hierarchy of that Church, admitting, as they did, that its entire ecclesiastical discipline rested upon a due subordination to the episcopate, was to ignore and to overthrow the discipline of that Church. He confessed that he observed, with no little amazement, the intellectual intrepidity with which the hon. and learned Member for the city of Oxford had asked them to do that which their Catholic ancestors had done before. Why, there never was a case since history was written less to the purpose. Our Catholic ancestors had to deal with a Power which was one of the greatest political Powers of the middle ages, and which leagued itself with the great Powers of the Continent; and the Acts of Catholic Parliaments passed, notoriously and confessedly, with a view to resist what they conceived to be encroachments on the political independence of the realm. Yet the very persons who cited these Acts of our Catholic ancestors, told them in the same breath — as the hon. Member for West Surrey had done the other night—that the Catholic laity were such slaves that it was necessary to screen them by Act of Parliament against the despotism of their clergy. It was said that the Statute of Elizabeth, which had been unrepealed by Lord Lyndhurst's Act, furnished another precedent, which they should follow. But Elizabeth came to the throne at a time when her right was held to be invalid by the Kings of France and Spain, when her crown was in jeopardy, when her rival was upon the throne of Scotland, and when a great portion of her subjects were well inclined to recognise the Queen of Scots, as their legitimate Sovereign. No plea of political necessity could, in his opinion, justify laws against the liberty of conscience; but even that plea was utterly wanting here. So in the case of the Stuarts, who were suspected themselves of being members of the Church of Rome, and whose political purposes and intentions the nation could not trust. In the case of William and Anne there was the Pretender, who, owing to his religion and his legitimacy, had a large portion of this and the other kingdom in this empire on his side. But how could references to such times warrant their adoption of a similar policy now? Neither the State as the State, nor the Queen as queen, nor the Queen's prerogative, nor the law of the land, could be in any way put in jeopardy by the use in exclusively ecclesiastical matters amongst the Catholics themselves, of the canon law in the dioceses which had been created by the Apostolic letter. The hon. and learned Member for Oxford seemed to have forgot himself in his allusion to the see of Galway, and had not attempted to make out a justification for extending the Bill to Ireland. The noble Lord at the head of the Government had brought a long bill of indictment against the Roman Catholic hierarchy of Ireland. He (Mr. M'Cullagh) had never listened to a statement with more pain than to that of the First Minister of the Crown. The first item of accusation against the Roman Catholic Primate (Archbishop Cullen) was this, that he was not appointed in the usual way, and that he was chosen for some other purpose than for the good of the people over whom he was to be placed. The noble Lord told us that he was a stranger to the state of Ireland. The facts he (Mr. M'Cullagh) believed to be these:—Archbishop Cullen was by birth, family, and education an Irishman; and by many visits paid to Ireland during his sojourn at Rome, had had means of making himself acquainted with the condition of that country. The position which he had held at Rome must necessarily have made him acquainted with the state of the Roman Catholic Church in Ireland; for he was head of the Irish college there, and the medium of communication on many important matters between the Irish clergy and the Holy See. But it was said that Archbishop Cullen had not been appointed in the usual way—that he had not been elected by the parish priests of the arch-diocese. Now, the fact was, that the parish priests having elected a person to fill the vacant archbishopric of Armagh, the bishops of the provinces (which was a very unusual thing) had not concurred in that election. Under these circumstances, for the Pope to have confirmed either nomination would have been to have given a triumph to the one party or the other. The Pope had, therefore, adopted the wiser and more conciliatory course of choosing a third person; and in selecting Dr. Cullen, he had chosen one who, from his position at Rome, was fully acquainted with the state of Ireland; and who was able, moreover, materially to serve the Catholic Church of that country. The noble Lord, in the next place, complained that the new Primate had not put himself in communication with the Government of Ireland. That reproach, he must say, came ill from one who, as head of the Administration in both countries, must be considered responsible for every act of importance done by either; that, before Archbishop Cullen had been three months in Ireland, the Government had consulted whether a prosecution should not be commenced against him. And for what? For using the title and designation which had been publicly conceded to his predecessor by the Government itself. He held in his hand a document which was a complete justification of Dr. Cullen. They would remember, that when the Queen was graciously pleased to visit her ancient realm of Ireland, and to spend there a few brief, but to them happy, days, the *Royal Gazette* of August 7, contained a formal notification of the order in which Her Majesty's subjects were to be admitted according to their various degrees of precedence to the Royal presence. The third person was the Protestant Archbishop of Dublin, and the fourth the Roman Catholic Primate. Now, let them tell him, would they prosecute Dr. Cullen for assuming a title by which he had been invited to present himself before the Queen? The next person invited to the Royal presence, and who he supposed was also to be prosecuted, was that venerable man, whose support had been rendered to the Government of this country, with a fidelity of which there could not be two opinions, he meant Dr. Murray, the Roman Catholic Archbishop of Dublin. The noble Lord had complained of the synodical functions of the Catholic Church, and had informed the House that the Synod of Thurles had proved its intention of assuming temporal jurisdiction in Ireland, by expressing in their address to the people their strong sense of the sufferings endured by the evicted occupiers of the soil, and expressing the grounds of their objection to the Queen's Colleges. With respect to the latter, he (Mr. M'Cullagh) would say nothing except this, namely, that if an assembly of bishops were not warranted in giving their opinion on the question of education, he was wholly at a loss to imagine what subjects they were justified in discussing. With respect to the other topic, he would tell them this simple fact, that in the whole of the twenty-six closely-printed pages of the synodical address to the people of Ireland, the whole that bore any reference at all to the relations of landlord and tenant were sixteen lines, which had no reference to any political question, but which regretted the lamentable state of misery to which particular parts of Ireland had been reduced, by the wholesale system of eviction which had been pursued. He asked the noble Lord in the presence of this House, and of the country, to remember the words of the only one in that House who had ever been regarded as his equal, who unhappily had been removed from them, and to say whether the terms in which Sir R. Peel had denounced the system of depopulation in the south and west of Ireland, were a whit less severe than those of these bishops, whose strongest expression was, that the track of the exterminator might be traced in the roofless hovels of the peasantry. Sir Robert Peel, speaking of western Ireland, in 1848, said that the state of the country was more terrible than if it had been invaded by a foreign enemy. He protested, then, against the unfairness of assailing these prelates, where they were unrepresented and unpopular, for saying no more than Sir Robert Peel had said in the presence of the noble Lord, without one word of objection or rebuke. There was a time in the history of this country, after and during the progress of the Reformation, when in the changes which society was undergoing a similar circumstance took place. There was a time when large districts of England were depopulated in the same ruthless and cruel manner. The noble Lord at the head of the Government, in his first speech on the Irish famine, alluded to that condition of the country at the period to which he was referring, and expressed a hope that as England had recovered from that depression, the calamities of the sister country would also pass away, and give place to a sounder and healthier state. That distress in England had been greatly aggravated, as every annalist of the times declares, by the same system of eviction, of which the recent synod complained; and it arose to such a pitch, that the clergy deemed it their duty to offer that species of admonition which no other class could be expected to give — charging the rich to be lenient to the poor, and the poor to be obedient and patient, that they might inherit the blessing promised to them. Amongst others was Latimer, from one of whose sermons, preached before King Edward VI., he would read one or two extracts. Latimer inveighs against the landlords of that day as "rent-raisers," "step Lords," and "unnatural Lords." "Of this cometh the monstrous and portentous dearth made by man;" and, speaking of places where "once men inhabited, but where there were only then to be seen the shepherd and his dog," he scrupled not to denounce many rich owners of the soil as having "too much," for the safety of their own souls, and the temporal weal of the community. Other extracts the hon. Gentleman said he could also have read, but they would have provoked a smile by their vehemence and earnestness. The exposition of the Bill given by the hon. and learned Attorney General had greatly increased his (Mr. M'Cullagh's) apprehensions. He had stated that every act of a Catholic diocesan, done as such, would be null and void. He asked them to consider what this meant, in a Catholic country like Ireland? The appointment of every parish priest in Ireland would, by these nullifying clauses, be rendered void. Was this, then, the realisation of Mr. Pitt's dream of a united empire? Was this the equality of which they heard so much, and enjoyed so little? Never did a Minister come into office so pledged to the principles of civil and religious liberty as the noble Lord, and was this the way in which he carried it out? The noble Lord threatened if the Catholics did not receive the measure in a spirit of passive obedience, that he was prepared to enter into a struggle. The Catholic body, then, might know what they had to expect; for this was only the first rattling of the sword of persecution in the scabbard. But they were told that the principle of toleration was to be held sacred. For his part, he hated that insolent word. It was nothing but the old word "intolerance" with a padlock on its lips. What he desired was, equal religious rights for all sects and orders; and he warned the House that every retrograde step they might now be induced to take they would assuredly have to retrace, and well would it be if their penitence did not come too late.

SIR GEORGE GREY: Sir, after the ample discussion which the question under the consideration of the House has already undergone, I should scarcely have felt it necessary on an occasion like this, when my noble Friend has merely asked leave to lay a Bill on the table of the House, to offer myself to the attention of the House even for a short time, were it not that some observations have been made in the course of this rather discursive debate, which I feel it my duty not to pass over in silence. Sir, it is impossible, in reference to the specific Motion now before the House, not to feel the inconvenience of a protracted discussion which must necessarily involve to a certain extent the provisions and minute details of a Bill which is not yet in possession of the House. I cannot, however, lament the length to which this debate has extended; I am rather disposed to congratulate the House on the fact, because the ground has been thereby much cleared for future discussion, by the admission of certain propositions which I think have been established by the most conclusive arguments, and proved by the most convincing evidence. Some of those propositions are the following. I think it has been proved beyond a question that in adopting the measure now under the consideration of the House, we are acting merely on the defensive, and in accordance with the demand which has been made from one end of Great Britain to the other, on the Crown, the Government or Parliament of this country, that some steps, of a purely defensive nature, should be taken to resist the recent act of aggression of the Court of Rome. The hon. Member for Dublin, followed by the hon. Gentleman who last addressed the House, complains of the bigotry of the people of England, and he has drawn a gratifying and pleasing picture of the harmony which has existed between all classes of the people and the professors of different creeds up to a late period. He stated, and stated truly, that Protestants and Roman Catholics were living together in kindness and mutual good feeling; and then he says that we have disturbed these friendly feelings, that we have sowed the seeds of dissension, and that a war of religious rancour and discord has been raised, which we have gratuitously provoked. That position I entirely deny. It is now proved, I think, beyond a doubt, that we were not the aggressors

—that we are acting merely on the defensive.

Another point is, that the act of which complaint has been made—not, indeed, by the Government alone, but by the nation, and which has occasioned the Bill now under the consideration of the House, is an illegal act. Illegal I think it has been demonstrated to be: the convincing speech of the hon. and learned Member for Oxford has proved that it was one contrary to the universal law of nations—of European nations at least—and contrary to the statute law of this realm. This conclusion was attempted to be controverted by my hon. Friend who spoke last, but not so much by argument as by bare assertion. He omitted all reference to the argument of the hon. and learned Member for the city of Oxford with respect to the law of nations; and with regard to the statute law, he alluded to the well-known circumstance of Lord Lyndhurst having, as Lord Chancellor, introduced a Bill for the repeal of the statute of Elizabeth; but he omitted to mention the fact that, at Lord Lyndhurst's own suggestion, an amendment was introduced into the Bill, declaring that nothing contained in the Bill should render lawful the act of which complaint is now made, and which has been committed by those acting under the authority of the Court of Rome. My hon. and learned Friend says that if the act was illegal, it was the duty of the Crown to prosecute it. But let me tell him, and those who are of a similar opinion, that there are many acts committed against the statute law of the realm with regard to which the Government does not feel itself bound, in the exercise of its discretion, to institute a prosecution. There are many, I am aware, prepared to condemn us for not having made this act the subject of a public prosecution; but I am prepared, if our conduct in this matter is seriously attacked, to defend that conduct, and to maintain that it was governed by a wise and prudent discretion.

Another point established and demonstrated is, that the act of which complaint has been made, is not a spiritual act of a merely spiritual authority designed for the benefit of persons professing the Roman Catholic religion, of which that authority is the head, but is an act of ecclesiastical authority by persons exercising a mixed temporal and spiritual jurisdiction, and involving a claim of undivided ecclesiastical dominion over the whole realm of England. I will not waste the time of the House by repeating proofs of this assertion; but if any were wanting, the best argument I could use to show its true nature would be found in the language of those documents by which the act referred to was promulgated; language utterly disregarding the existence of the authority of Her Majesty within the realm of England—ignoring—to use a modern phrase—not the rights only, but even the existence, of any other Church or denomination, whether established or not in this realm, other than that presided over by the Pope of Rome, and those who claim to exercise authority under him. The very language, I repeat, of the brief, combined with that used in the pastoral which has been issued, is a sufficient demonstration that it was not a spiritual act whose operation was intended to be confined to the members of that Church of which the Pope is the head, but that it asserted, in fact, an ecclesiastical power over the realm of England, and advanced claims alsolutely inconsistent with the Queen's supremacy and the rights and privileges of all the inhabitants of this kingdom, be they Roman Catholics or members of the Church of England, or of Protestant Dissenting denominations. These points have been, I think, clearly established in the course of the debate, and it only remains for the House to determine whether the measure which will now be laid before it, is adequate to meet the circumstances of the case.

I will now proceed to notice some observations which have been made, tending to cast censure on my noble Friend the Lord Lieutenant of Ireland with regard to the conduct which he has adopted, and by which it is said he encouraged the recent act of aggression on the part of the Pope, or involving a charge against other Members of Her Majesty's Government. These charges I am prepared to meet, or to explain the conduct to which they refer. They resolve themselves into three heads. The first relates to the alleged encouragement of the Roman Catholic religion and hierarchy, by giving titles of honour and respect to the bishops and dignitaries of the Roman Catholic Church in Ireland not prohibited by law. The second is one distinctly made by the hon. and learned Member for Sheffield, and repeated by other speakers, to the effect that the Government has habitually addressed the bishops of the Roman Catholic Church by titles prohibited by law. The third is a charge against

Members of the Government—with a previous knowledge of the intention of the Court of Rome to promulgate that document by which Roman Catholic bishops have been appointed to sees in this country, and with having given either an express or tacit acquiescence to the scheme promulgated in the letters-apostolical.

I hope the House will keep in mind the distinction between the two first charges—between that of conferring titles of respect and honour on the bishops and dignitaries of the Roman Catholic Church not forbidden by the law, and that of giving them titles actually prohibited by law. With regard to the first, I am not going to offer any excuse or apology. I do not think an apology or excuse is necessary for bestowing lawful marks of respect and consideration on the Roman Catholic bishops in a country like Ireland—where the great majority of the people are Roman Catholics—so long as those persons conform to the law under the protection of which they live. But what are the facts of the case? These charges have been made by various individuals. I will refer first to those advanced by the hon. Member for Buckinghamshire, because he has made his allegations in a distinct form, not so much in his speech as in a letter which he has addressed to the Lord Lieutenant of the county of Buckingham, though in his speech he appeared by implication to reiterate these charges. The hon. Member for Buckinghamshire was very severe upon my noble Friend at the head of the Government for the letter which he has written; but he seemed to forget that he himself was guilty of what he seems to consider the indiscretion of writing a public letter on the subject in question. I will not call the letter of the hon. Member for Buckinghamshire "a blunder of the sudden," since he objects to the phrase, but I will say that I never saw more blunders comprised in a single letter than are contained in that of the hon. Member for Buckinghamshire. It was in fact a *multum in parvo* of blunders. I cannot sufficiently express my surprise that the hon. Gentleman, knowing, as he might have done, that all the charges he made were incorrect, should have ventured on the statements contained in this letter. The hon. Member said, that "When the present Lord Lieutenant arrived in his vice-royalty, he gathered together the Romish bishops of Ireland, addressed them as nobles, sought their counsel, and courted their favour." That charge was also made by a Roman Catholic Gentleman opposite, who now repeats it by his cheers. That charge I completely deny, and I am sure the statement I am now about to make will be perfectly satisfactory to the House. Shortly after the arrival of Lord Clarendon in Ireland, when the state of that country was one occupying the daily attention of the Government, owing to the scourge of the famine by which Providence had visited the land, he did not gather around him the Roman Catholic Prelates, as had been represented, but he received, at their own request, a deputation consisting of five of the prelates of that Church appearing on the part of themselves and their brethren to present an address representing to him the lamentable condition of a great portion of the population, and suggesting remedial measures. They were of course received by the Lord Lieutenant with that attention which their character and the subject of their address entitled them to; and considering the influence which they must possess in a country like Ireland, he did not refuse to listen to their counsel, and he did say that he should be happy to receive any suggestions they might have to offer respecting practical measures of relief. I ask whether under such circumstances, when the lives of thousands were at stake, the Lord Lieutenant would not have justly incurred censure if he had adopted a different course? Sir, the hon. Gentleman then proceeds, that "on the visit of Her Majesty to that kingdom, the same prelates were presented to the Queen as if they were nobles, and precedence was given them over the nobility and dignitaries of the National Church." Now, the fact was, that on the occasion referred to, the prelates of the Roman Catholic Church were presented to Her Majesty, and presented an address, and received an answer from Her Majesty; but they did not take precedence of any dignitary of the Protestant Church in Ireland: they took the same place with reference to the Established Church, the University and the Corporation of Dublin which they had when presented and received on the visit of George IV. to Ireland. He defied the hon. Gentleman to justify the assertion that the Roman Catholic bishops were on that occasion received as nobles, and had precedence granted to them over the dignitaries of the National Church. They were received, it is true, by Her Majesty on the Throne, immediately before the levee, together with the Presbyterians and a deputation of the Society of Friends. But I presume the hon. Gentleman has in his mind that celebrated *entrée* list to which reference has been made. I am unwilling to waste the time of the House, but I feel it right that the facts of this case should appear in their proper light. It has been said that this list proceeded from my office. This is not correct. The officer whose duty it is to regulate such proceedings is the Lord Chamberlain, who is a member of the Free Church of Scotland, and is not, therefore, a very likely person unduly to favour the prelates of the Roman Catholic Church. The act was, however, done by an officer of the Lord Chamberlain's office, who was sent to Dublin to arrange matters connected with the levee and drawing room to be held by Her Majesty; he was put in communication with Mr. Willis, a gentleman of the Lord Lieutenant's household, and this is the statement which he has made:—

"The Castle of Dublin, Jan. 2, 1851.

"My Lord—In reply to your Excellency's inquiry, relative to the private *entrée* list published in the *Dublin Gazette* of the 7th of August, 1849, wherein 'The Most Rev. Dr. Murray' is described as 'Roman Catholic Archbishop of Dublin,' I have to state that I submitted for approval a list of the private *entrée*, and from recollection, and to the best of my belief, in order to designate more fully the Most Rev. Dr. Crolly, and the Most Rev. Dr. Murray, their names were written by me in that list as 'Roman Catholic Primate,' and 'Roman Catholic Archbishop of Dublin.' In transcribing this list for the *Gazette* (owing to the extreme pressure of business, there having been in three days nearly 5,000 persons signifying their intention of coming to Court, and requiring immediate attention), I must have inadvertently, and contrary to custom, copied the names of the Roman Catholic prelates as designated in the submitted list, and published in the *Gazette*.—I have the honour to be, my Lord, your Excellency's obedient humble servant,

"FREDERIC WILLIS, Gentleman Usher.

"His Excellency the Lord Lieutenant, &c."

Lord Clarendon knew nothing whatever of the titles employed on that occasion. Lord Breadalbane knew nothing of them. I knew nothing of them. Let the House understand that the *entrée* was not given on that occasion; it was given years before. The Roman Catholic Archbishop exercising jurisdiction in the diocese of Armagh, and the Roman Catholic Archbishop exercising jurisdiction in the diocese of Dublin, were habitually admitted at the *entrée*. I admit that this designation of the Roman Catholic Primate and Archbishop on that occasion was most improper; and if any share of the responsibility rests upon me for not having read this list at the time, I am willing to bear any censure which the House may impose upon me. But is it upon this miserable shred of evidence that the assertion is supported, that it has been the habitual practice of the Irish Government to violate the law and to designate the Roman Catholic prelates by titles to which they have no right? The hon. Gentleman who last addressed the House goes farther—he improves upon the statement, says that the Roman Catholic prelates were received by Her Majesty by those titles which are complained of. I know not whether the hon. Gentleman, being an Irish Member, was there, or whether he speaks from hearsay. He says that I had the honour of being near Her Majesty at that time. It is true that I had that honour, and that I witnessed the impartial grace and condescension of manner with which She received all classes of Her subjects, without reference to the distinction of their creed—and I will say also, the universal loyalty which pervaded all classes of the people—and I saw with satisfaction the venerable prelates of the Roman Catholic Church addressing Her Majesty, not under titles prohibited by law, but assuming titles in strict conformity with the letter of the law; namely, "We, the undersigned archbishops and bishops of the Roman Catholic Church in Ireland." But the hon. Member for Buckinghamshire was not satisfied with two errors; in his eagerness to condemn the Government, he goes on to state, "It was only the other day the Government offered the office of visitor to the Queen's Colleges to Dr. Cullen, the Pope's delegate, and *pseudo* Archbishop of Armagh; and to Dr. M'Hale, the *pseudo* Archbishop of Tuam." That charge has not been repeated now, but it has been made in most distinct terms, as if in justification of the act of the Pope, in Mr. Bowyer's pamphlet, published "by authority," Now, if the hon. Member merely meant that the office of visitor to the Colleges was offered to these two dignitaries of the Roman Catholic Church, he was quite right; and here I say again I have no excuse to make for the offer of the office of visitor to these two archbishops. In offering the office of visitor to those two Prelates, Lord Clarendon only acted in the spirit of the Government by whom the establishment of those colleges was proposed, and of Parliament in passing the measure for establishing those colleges; but if he means to say that the appointment was actually made, as has been stated by Mr. Bowyer under the titles of "Archbishop of Armagh," and "Archbishop of Tuam," he states what is not the fact, and the slightest reference to official documents would have shown it to be so. The statement was made recklessly, presuming upon its accuracy; but with whomsoever it originated it is entirely destitute of any shadow of truth. The hon. Gentleman proceeds to say—there is not a paragraph in his letter which does not contain some blunder—that "the whole question has been surrendered and resigned in favour of the Pope by the present Government; and the Ministers who recognised the *pseudo* Archbishop of Tuam as a Peer and a Prelate cannot object to the appointment of a *pseudo* Archbishop of Westminster, even though he be Cardinal. On the contrary, the loftier dignity should, according to their table of precedence, rather invest his Eminence with a still higher patent of nobility, and permit him to take the wall of his Grace of Canterbury and the highest nobles of the land." Now really this charge of the recognition as a Peer of the *pseudo* Archbishop of Tuam is one which I could hardly have supposed to originate with a gentleman so well informed as the hon. Member for Buckinghamshire. It is the vulgar error that if you address a man as "my Lord" you make him also a Peer. But here again, in point of fact and history, the hon. Member is wrong, for these titles were given long before Lord Clarendon had anything to do with the Government of Ireland. It is not correct that the Bequests Act, or the Order in Council, conferred any such titles; but in the reports of the meetings of the Commissioners under the Act presented to Parliament, before Lord Clarendon had anything to do with Ireland, or the present Government was in office, beginning with the 9th of January, 1845, it appears that among the Commissioners who attended are to be found there described "His Grace the Lord Archbishop William Crolly," "his Grace the Lord Archbishop Daniel Murray," and the "Right Rev. Lord Bishop Cornelius Denvir." I am not finding fault with this description, or imputing any blame to those who gave these titles of honour to the Roman Catholic prelates, while they conformed, to the laws under which they lived, and while they trenched on no privilege of the Established Church. But if there be censure, let it not fall entirely upon the present Lord Lieutenant or Government, who have acted in the same spirit of conciliation as the preceding Government had adopted towards their Roman Catholic fellow-subjects in Ireland. It is upon such acts of courtesy shown by the Government that the whole fabric of the supposed acquiescence in the recent measure of the Court of Rome has been built. With respect to the title of Cardinal, to which the hon. Gentleman refers as one that is to justify Cardinal Wiseman in taking precedence of the Archbishop of Canterbury, I may remind him that the title of Cardinal is not necessarily an ecclesiastical title—it may be conferred on a layman. It is a title conferred by a foreign Court; and no such title, whether conferred by the Pope or any other foreign Sovereign, can be legally assumed by a British subject, without the licence of the Crown first given. Cardinal Wiseman has not applied to the Crown for a licence to bear the title of Cardinal, and therefore he cannot enjoy in this country, by such title, and without such a licence, any right to precedence. I will take this opportunity of correcting a mistake to which currency has been lately given by a pamphlet published by the Earl of St. Germans with regard to the alleged reception by this House of a petition from Dr. M'Hale, under the title of Archbishop of Tuam. He asserts, and the error has been adopted by Dr. Twiss in a most learned and able work, that the House did assent to the reception of this petition, on the ground that the assumption of such a title by Archbishop M'Hale was not illegal. The fact is, that a division took place upon the question whether the petition so signed should be received or not, that a majority of this House decided that the petition should not be received, and that my noble Friend (Lord John Russell) expressly stated his concurrence with the majority with whom he voted, in refusing to accept the petition, because it was infraction of the spirit, if not of the letter, of the law, and Dr. M'Hale had no right to assume the title of Archbishop of Tuam. But, Sir, notice has also been taken of the confidential communication which Lord Clarendon carried on with the Pope in 1848. I have received from Lord Clarendon the fullest information on that subject, in a letter which I could read to the House if it were necessary. [*Loud cries of* "Read!"] With regard to one part of the charge which has been founded on that letter, that it was addressed to "Archbishop Murray of Dublin," I believe that that has been completely abandoned. I need only say, that the address of the letter, as published, "to His Grace Archbishop Murray of Dublin," was not the address of the letter written by Lord Clarendon, but that these words are a fabrication, having been added by those who published it, I believe, at Rome, where it appeared with that superscription. The letter was not addressed to Archbishop Murray at all, but to Dr. Nicholson, Coadjutor-Archbishop of Corfu. I will now read the following extracts from the letter which I have received from Lord Clarendon:—

> ". . . . In the autumn of 1847 the Board of Presidents sitting in Dublin were occupied in framing the statutes for the colleges. I was in constant communication with them, and I also sought the advice of different persons whose knowledge and experience might aid in rendering the statutes complete, and thereby fulfilling the intentions of the Government which had founded the colleges, and the Legislature which had sanctioned them. I was also most anxious to remove the charge of 'godlessness' which had been brought against the colleges in England, and eagerly adopted by the enemies of those institutions in Ireland; and I moreover thought it a solemn obligation that the moral training and religious instruction of the students frequenting the colleges should be guarded with the most scrupulous care. I accordingly consulted several clergymen of different denominations, and, among others, Dr. Nicholson, the Coadjutor-Archbishop of Corfu, who had just arrived in Ireland, and having passed some time at Rome on his way, was cognisant of all the unfounded rumours current there respecting the colleges, which had led to the condemnation of them by the Pope; and, as he was shortly about to return to Rome, I was glad of the opportunity to show him how the interests of religion and morality were guaranteed for all denominations alike (by the appointment of deans of residence, and the establishment of licensed boarding-houses, &c.), and consequently the utter falsehood of the report that the colleges had been established for the purpose of undermining the Roman Catholic religion . . . . When the statutes were completed and agreed to, Dr. Nicholson was about to return to Corfu by the way of Rome, and I willingly gave him an extract from them which related to moral discipline and religious instruction, in the belief that it was the best mode of communicating the truth to the Pope, and of confuting the unjustifiable misrepresentations made to him; and I have no hesitation in saying, that I was desirous to effect this, because the condemnation of the colleges by the Pope was likely to deprive many of the Roman Catholic youth of Ireland of the advantages offered to them by the Legislature. I wished, therefore, that he should know and consider the precautions taken, in order that he might become aware of the errors upon which his condemnation had been founded. If I had been capable of seeking any foreign sanction to a matter of domestic arrangement, I should have employed different means for the purpose, and have referred the statutes to the Pope while they were being framed; but in March, 1848, they were completed, and copies of the same 'extract' that was given to Dr. Nicholson were likewise placed in the hands of several spiritual authorities of the Protestant, Roman Catholic, and Presbyterian denominations. . . . Previously to the departure of Dr. Nicholson, I consented, at his request, to write him a private letter, which should serve, if necessary, as a guarantee that the 'extract' he took with him was genuine; and that when the list of visitors was framed, Roman Catholic ecclesiastics of the same rank as Protestants should be selected. I have been blamed for the terms in which I expressed myself with respect to the character and judgment of the Pope; but I sincerely thought what I then said, and similar opinions were then entertained of him not only in England but throughout Europe; for at the beginning of 1848 he was universally regarded as an enlightened reformer who, with great boldness, and in the face of many foreign and domestic difficulties, was determined to act upon his own conviction of what was just and right. And with respect to the care taken to preserve the faith and morals of Roman Catholic students, I said nothing in my letter to Dr. Nicholson which, *mutatis mutandis*, I did not also say to the spiritual authorities of different denominations in Ireland, to whom it was quite satisfactory."

This letter got into other hands without the knowledge and sanction of Lord Clarendon; the alteration made in the superscription was not made by Archbishop Nicholson, and I need not say that it was not made by the consent of Lord Clarendon.

I come next to what passed between Lord Minto and the Pope. I mention this charge, because it has been distinctly reiterated by the hon. Member for Sheffield, who, notwithstanding the denial which has been given elsewhere, has charged Lord Minto with having had a direct communication with the Pope with respect to the intended promulgation of the document. The evidence on which he relies, if I understand him rightly, is a letter which he said that he had seen from a gentleman well known in England—a gentleman formerly a member of the Church of England, who had become a convert to the doctrines of the Roman Catholic Church—the Abbate Hamilton, who said that he met Lord Minto coming out from his reception by the Pope, in the antechamber, and that Lord Minto there volunteered the statement that the Pope had given him a full account of the intended establishment of the hierarchy in England, and said, "I have told him that that concerns exclusively the Roman Catholic

Church, and is a matter with which the English Government could not have any concern." I am rather surprised at the existence of a letter of that kind, and that it should have been seen by the hon. Member for Sheffield—for no doubt a correspondence has taken place between Lord Minto and the Abbate Hamilton. The Abbate Hamilton wrote to Lord Minto, when information reached Rome of the feeling excited in this country by the publication of the Pope's brief, to attempt to recall to the recollection of Lord Minto a conversation which he had with him at Rome, not of the description given by the hon. Member for Sheffield, but in which the Abbate says that he endeavoured to induce Lord Minto to use his influence with the Pope to counteract the influence of those who were then endeavouring to get this letter-apostolic issued, the Abbate believing that Lord Minto had been informed of the intention to promulgate this letter. Lord Minto wrote, in reply to this letter of the Abbate Hamilton, that he had no recollection of any such conversation having occurred, though he was not unaware of some intention to confer archiepiscopal rank on Dr. Wiseman, he being already of episcopal rank in the Roman Catholic Church, and having been residing in this country as a bishop, though a vicar-apostolic. That information was derived from a private source; but not from the Pope himself. But Lord Minto added that he had not, during his residence in Rome, nor down to the publication of the bull, any knowledge, or the slightest suspicion, of the intended organisation of the Roman Catholic hierarchy in England; and that the publication of the Papal bull took no one more by surprise than himself. The Abbate Hamilton replied, saying, that he saw the mistake which he had made, and of which Lord Minto's letter was the explanation; and he certainly made no such statement in his reply to Lord Minto as that on which the hon. Member for Sheffield relies.

A great deal has been said by several hon. Members about former speeches of my noble Friend the First Lord of the Treasury. But these speeches, when they were made, had no reference to the state of things that now exists; and my noble Friend did not then anticipate that the Court of Rome, being on the friendly terms which it appeared to be upon with this country, would have taken advantage of acts done or language held, long ago, perhaps, in too generous and confiding a spirit, building up piecemeal a fabric on which to rest a charge of acquiescence on the part of the Government in the recent proceeding of the Court of Rome. But with reference to the specific subject of the present debate a question, was asked my noble Friend by the hon. Member for the University of Oxford, and in clear and unambiguous terms my noble Friend stated that no such proposition had been made to him; and he stated, moreover, that if such a proposition were made to him, that it would not receive the consent of the Government. I say, that a distinct statement was made, that such a measure as has emanated from the Pope would not be acceptable to the Government of this country; and that, after such a declaration, express, clear, and distinct, those who have been acting as advisers to the Pope did not act the part of honest men, in setting up a plea of complicity on the part of the Government, for which no pretext whatever really existed. I will now say one or two words with respect to the charge which has been made as to the inefficiency of the Bill, though it is hardly necessary to do so after the speeches of my honourable Friends the Attorney General and the Member for Oxford. The Bill is founded on the principle of not interfering in the slightest degree with the freest exercise of the Roman Catholic religion in this country. It is framed in perfect good faith with regard to those statutes and that policy which have guaranteed the free exercise of that religion, without hindrance or molestation, in this country. But, at the same time, the Bill does meet, as my hon. Friend has shown, the case which has arisen, and the act which has been committed by the Pope; and I think it places an effectual check on that which has given just offence, and has been rightly complained of as an insult and an injury by the people of this country. The Pope's apostolic brief constituted Dr. Wiseman Archbishop of Westminster, giving him, in that capacity, jurisdiction over a certain number of suffragan bishops, deriving their titles either from ancient sees or other cities or towns in this part of the united kingdom. The Bill says, and if passed into law the Act of Parliament will say, that there shall be no Archbishop of Westminster, and no such bishops as the Pope has attempted to constitute, unless by law—not by a bull or decree of the Pope, but by a law passed in the United Parliament of this kingdom, by Queen, Lords, and Commons. The Pope assuming the widest sovereignty over the country, proceeds to give jurisdiction to the bishops so constituted over the people of this country. The Bill says, that any act done by these bishops in the exercise of that authority so conferred by the Pope shall be null and void. The Pope says, that any act done by any one, not even excluding the authority of Parliament, who shall attempt to interfere with that edict, shall be null and void. The Bill says, that whatever act is done by those bishops under these titles, and in pursuance of this prohibited authority, shall be null and void. The Pope invites the wealthy to contribute to the endowment of these sees; the Bill enacts that if these sees are endowed under the title and description conferred upon them by the Pope, that the endowment shall not enure in their favour, but in that of the Crown. The Member for Buckinghamshire says that the Bill does not go far enough; because it ought to settle, once for all, the relations between the Roman Catholic subjects of the Crown of England and the Pope. It may be very desirable that such a settlement should take place; but let me caution those who support the hon. Gentleman, and who are anxious to see a check placed on the ambition of the Court of Rome, and the exercise of its undue and illegal authority within this realm, let me caution them not to reject practical measures in the pursuit of some others undefined, and perhaps unattainable. I cannot agree with the hon. Gentleman that this is the most fitting and suitable time or opportunity for attempting to accomplish the object to which he refers. Let me caution the hon. Gentleman against running away with the notion that it is so easy to accomplish his object, without knowing distinctly the mode in which he and those who agree with him think that it should be accomplished. There are two ways by which we may proceed. One is, the reenactment of the penal laws against Roman Catholics; but that is a course which not only the Parliament, but the country, would repudiate. There is another, which, bearing in mind the peculiar circumstances of Ireland, it may be desirable, it may be politic, to enter on; but let me ask hon. Gentlemen who sit behind the hon. Member for Buckinghamshire, whether they are disposed to reject this measure in pursuit of another which may lead them further into the reconsideration of the ecclesiastical arrangements in Ireland than they are disposed to go? But, after all, I admit that an Act of Parliament is not the only, nor the best, security for the Protestant religion in this country. I should deeply regret, indeed, if I felt that an Act of Parliament was the only security for the maintenance of those principles which I believe are justly dear to the great majority of the people of this country. I have no doubt that it may be difficult to draw up any Act of Parliament, which to a certain extent may not be evaded; and though I have no doubt that if this Bill passes, the loyalty of the Roman Catholics will lead them to obey it, yet the history of past times, and of this country particularly, shows the ingenuity with which, especially by ecclesiastics, the provisions of the law may be evaded. I will not therefore rely exclusively or mainly on any law for meeting the ambitious schemes of the Court of Rome. But my real feeling of security for the religion of this country, my reliance on its safety against encroachment and aggression on the part of Rome, consists in that national demonstration of feeling which, during the last three months, has been exhibited with noble zeal from one end of the kingdom to the other. The hon. Member for Sheffield called it a burst of Puritanical hatred against the Pope. I deny that the feelings manifested and expressed can be justly in any degree characterised by the terms he has employed. That national demonstration of sentiment has had a deeper and a holier source. It has been a national protest—for it cannot be called anything else—concurred in by men of various religious denominations, by many wholly unconnected with the Established Church, against what they believe to be the first attempt made since the Reformation to reimpose upon this country the yoke struggled against so nobly by our Catholic forefathers before the Reformation, and which, at the Reformation, the wisdom and the vigour of our ancestors cast off for ever. They have declared, as with one voice, that they are not prepared to return again into the bosom of the Roman Catholic Church. I believe that this feeling is founded upon a grateful appreciation of those blessings which, since the time of the Reformation, have been enjoyed in this country. I have no fear of the issue between the ambition of Rome and the Protestant feeling of England. I do not speak of Protestant ascendancy, but of the deep feeling of attachment to the Protestant faith. I must say, in reference to the charges brought against the Protestants of this empire, that having seen the large number of addresses presented to Her Majesty complaining of the Papal aggression, and entreating that it may be resisted, there has, with some few exceptions, been a full and fair recognition of the right of our Roman Catholic fellow-subjects, equally with any other denominations in the country, to the fullest and most unrestricted exercise of their religion. I think that the language in which the national feeling has been expressed, and the remonstrances uttered, cannot have failed to have penetrated into the recesses of the Vatican. I entertain the fullest confidence that it will there have dispelled the vain delusion, founded on the unhappy secession of a number, too large, no doubt, but still comparatively a small number, of the clergy of the Established Church, and the still more insignificant number of lay members of that Church, to Rome, that this country is willing to submit to the Court of Rome, and to return to subjection to that Power which claims universal domination over the whole of Christendom. I will not utter a word of censure or reproach towards those who have thus seceded. I think that on taking that step, after having formed their convictions, they have only taken a straightforward and a manly course, in refusing, after they had adopted the principles of Rome, to continue to wear the garb or to profess themselves members of a Church which it then became their duty to undermine. I rejoice, however, that they now appear in their proper light and true proportion, not as the earnest of a coming change, as the first fruits of a national apostacy, but that they have gone from us because they had adopted principles at variance with the deep-rooted convictions of the great body of the people of this country. Whatever may be the effect of this measure, if passed into a law, this I believe, that the people of this country are determined now more than ever to hold fast by those blessings which were guaranteed to them at the Reformation, which have been handed down to us through successive generations, and through various vicissitudes—blessings of which we, the present generation, are the responsible depositaries, and which we, with God's blessing, are determined to transmit unimpaired to our posterity.

Mr. P. HOWARD moved the adjournment of the debate.

Lord J. RUSSELL opposed the Motion. On Friday night he was asked to state the details of the Bill; but now, if the Motion for adjournment were carried, it must be a considerable time before the House saw the Bill. If the whole principle was to be discussed on the second reading, and the Bill was to be again discussed in Committee, he did hope that the House would not agree to the Motion of the hon. Member for Carlisle.

Mr. ROCHE supported the Motion for an adjournment. There could be no desire on his part, and that of the hon. Members near him, to see the Bill, after hearing the statement of its provisions by the hon. and learned Attorney General. Many Irish Members were anxious to express their opinions upon this question, and he therefore trusted that the House would accede to the Motion of the hon. Member for the adjournment of the debate, and that there might be at least one other night for the discussion of this question.

Mr. M. GIBSON thought that a measure of this kind, which, to a certain degree, was an attack on the religious feelings of a large proportion of Her Majesty's subjects— ["Oh, oh!"] At any rate, it was understood to be an attack on the religious feeling of the Roman Catholics. In common fairness, and with a view to the more easy management of the measure in its future stages, it was wise to give it a full and fair hearing now; and, more especially, as it was a minority which demanded an adjournment, so that there might be no complaints hereafter. He was not in a hurry on the question. This subject was one they could best take when they had nothing else to do. It was an interminable question, and he had heard it discussed year after year in much the same fashion. He trusted, too, that the debate would not only be adjourned, but postponed, in order that they might go on with the budget and the practical business of the country, and the other measures of the Government, which had far more interest for him. When they had nothing else to do, they could have a debate on the great, difficult, and interminable subject of keeping down the influence of the Roman Catholic religion by penal legislation.

Mr. KEOGH said, that a reason occurred to him why it was only fair and desirable that there should be an adjournment. The Bill extended to Ireland, and its important provisions were opened that evening by Her Majesty's Attorney General, but they had not the advantage of the presence of the Attorney General for Ireland to give them his opinion. He (Mr. Keogh) confessed he had seen a great deal too much to please him in the last Session of Parliament of the Attorney General for England doing the business of the Attorney General for Ireland, and he was anxious the Attorney General for Ireland should do his own business, and that they should have the guarantee of his opinion on a subject of so much importance as that now before the House. He would vote, if the matter were pressed to a division, for the adjournment.

MR. C. ANSTEY supported the Motion for adjournment. He was not disposed to offer anything like a factious opposition to the measure, but he thought the Bill would have a better chance of being successful if it were fairly discussed at this stage, before the Ministers were committed to all the details of it. There was another reason why he thought it was convenient they should now adjourn the debate. Several Gentlemen wished to speak, and he (Mr. Anstey) wished to explain why it was that, being disposed to go a greater length with respect to the Roman Catholic Church in England than the Bill went, he was indisposed to change in the slightest degree the *status* of the Roman Catholic Church in Ireland. He certainly intended to ask the House, when this question was disposed of, to divide on a Motion he would put to them, which would test the professions they had heard on that side of the House, particularly from the hon. and learned Member for Oxford, relative to their attachment to the principles of civil and religious liberty.

Motion made, and Question put, "That the debate be now adjourned."

House divided:—Ayes 59; Noes 364: Majority 305.

Question again proposed.

MR. ROCHE moved the adjournment of the House. He put it to the noble Lord to allow another night for the discussion of this proposition.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

LORD J. RUSSELL: The hon. Member has moved that the House do adjourn. With respect to the suggestion he has made as to the adjournment of the debate, I cannot but take notice of what was said by my right hon. Friend the Member for Manchester. He—assuming that the House do not care about this question, as if it was one that could not be of importance to any one else—recommended that the Government should go on with other measures, bring forward the budget, and have this question agitated at some other time. Now, I think it necessary to say at once, that is a proposition to which I cannot agree. Since it has now been shown very clearly what is the opinion of the House, the course I propose is, that if this Motion is withdrawn, we should agree to the adjournment of the debate, and that it should be fixed for the first Order Day. We cannot fix it for to-morrow, as the hon. Member for Buckinghamshire has a Motion of great importance for to-morrow; but I will take Wednesday, the first Order Day, as I do not mean to go on with any Government business until the decision on this subject has been obtained.

Motion, by leave, withdrawn.

Debate further adjourned till Wednesday.

ROMAN CATHOLIC RELIEF.

MR. ANSTEY rose, in pursuance of notice, to move for leave to bring in a Bill for the repeal of penal enactments against the Roman Catholics. He begged to say that it was with one exception the same Bill which had been discussed in this House during the present Parliament on his Motion, the single exception being a clause of the Bill referring to Papal bulls and instruments of the See of Rome. He had thought that it would be more decorous to omit all reference to that subject from the Bill, as it was one which would come under discussion in the debate that had just been adjourned. With that exception the Bill was the same, as to its enacting part, with that which had been discussed in that House on former occasions. He had drawn the clauses relating to the distinction between the temporal and ecclesiastical supremacy, so as to get rid of all the scruples which had been expressed by hon. Members on this point. Hon. Members opposite would thus have an opportunity of carrying into effect the recommendation of Lord Stanley, made in another place during the present Session, which was—that this occasion should be taken of looking through the securities enacted by the Roman Catholic Relief Act of 1829, with the view of retaining any that might really afford protection to the Protestant Church, and of removing such as were not effectual for that object, and offensive to Roman Catholics. All he asked for at present was leave to bring in the Bill, in order that Members might see whether its provisions corresponded with Lord Stanley's recommendation, and were expedient to be enacted at the present juncture in concurrence with the Bill proposed by Her Majesty's Ministers.

Motion made, and Question put—

"That leave be given to bring in a Bill for the repeal of Enactments imposing certain pains, penalties, and disabilities upon Her Majesty's Roman Catholic subjects."

Sir R. H. INGLIS said, the House having practically decided, though the numerical majority was the other way, that it would not continue a debate which had already extended over two nights on a most important subject, in which, notwithstanding the statement of the right hon. Member for Manchester, the whole country was deeply interested, he could not but think that it would have been more seemly, more consistent with the justice of the case, and the opinion of the House, if the hon. and leaned Member for Youghal had not endeavoured to provoke a discussion. The hon. and learned Member must have known, from the experience of five successive years, that that House would not consent to a measure of this kind without full discussion. He (Sir R. H. Inglis) would give at once a negative to the proposition of the hon. and learned Member, and would take the sense of the House upon it.

Sir G. GREY agreed with the hon. Baronet the Member for the University of Oxford, that this was a most inopportune moment for bringing in a Bill of this kind, and he was in hopes that the hon. and learned Member for Youghal had abandoned his intention of introducing it.

The House divided:—Ayes 35; Noes 175: Majority 140.

List of the Ayes.

Adair, H. E.
Bass, M. T.
Blake, M. J.
Blewitt, R. J.
Brotherton, J.
Butler, P. S.
Devereux, J. T.
Forster, M.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Greene, J.
Heyworth, L.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Meagher, T.
Pechell, Sir G. B.
Pilkington, J.
Power, Dr.
Power, N.
Reynolds, J.
Roche, E. B.
Scholefield, W.
Scully, F.
Somers, J. P.
Sullivan, M.
Tenison, E. K.
Thornely, T.
Wakley, T.
Williams, J.
Wood, W. P.

TELLERS.

Anstey, T. C.
Fagan, W.

List of the Noes.

Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Archdall, Capt. M.
Ashley, Lord
Baines, rt. hon. M. T.
Baldock, E. H.
Bankes, G.
Baring, T.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bell, J.
Bennet, P.
Berkeley, C. L. G.
Bernard, Visct.
Best, J.
Blair, S.
Blakemore, R.
Boldero, H. G.
Booker, W. T.
Booth, Sir R. G.
Boyd, J.
Bremridge, R.
Brisco, M.
Brocklehurst, J.
Brown, H.
Buller, Sir J. Y.
Burghley, Lord
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Chichester, Lord J. L.
Christy, S.
Clifford, H. M.
Cobbold, J. C.
Cockburn, Sir A. J. E.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Copeland, Ald.
Cowper, hon. W. F.
Craig, Sir W. G.
Currie, H.
Dalrymple, Capt.
Davies, D. A. S.
Deedes, W.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Dod, J. W.
Dodd, G.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, G.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Elliot, hon. J. E.
Evelyn, W. J.
Farrer, J.
Foley, J. H. H.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Gore, W. R. O.
Greenall, G.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hall, Sir B.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hildyard, R. C.
Hill, Lord M.
Hindley, C.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hudson, G.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Kildare, Marq. of
Lacy, H. C.
Lennox, Lord H. G.
Lindsey, hon. Col.
Littleton, hon. E. R.
Locke, J.
Long, W.
Mackenzie, W. F.
Macnaghten, Sir E.
Mangles, R. D.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Meux, Sir H.
Moody, C. A.
Morgan, O.
Morris, D.

Mulgrave, Earl of
Mullings, J. R.
Napier, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Ogle, S. C. H.
Paget, Lord C.
Palmerston, Visct.
Peto, S. M.
Pigott, F.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Ricardo, O.
Richards, R.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Scott, hon. F.
Seymour, Lord
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stuart, H.
Sutton, J. H. M.
Taylor, T. E.
Thompson, Col.
Thompson, Ald.
Tollemache, J.
Trevor, hon. G. R.
Turner, G. J.
Tynte, Col. C. J. K.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Watkins, Col. L.
Wigram, L. T.
Willcox, B. M.
Willoughby, Sir H.
Wilson, J.
Wortley, rt. hon. J. S.
Young, Sir J.

TELLERS.

Inglis, Sir R. H.
Beresford, W.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, February 11, 1851.

PAPAL AGGRESSION.

Lord ABINGER presented a petition from the nobility, clergy, gentry, and other inhabitants of the county of Surrey, against the Papal aggression. The noble Lord stated the difficulties which existed in the way of putting the law in force, and of applying an effectual remedy to the evil complained of by the petitioners. The prayer of the petition was, that the House would take some effectual measures to resist the encroachments of the Pope. He was of opinion that the Bill introduced into the other House, would not remedy the evil, but rather aggravate it; for, if he understood rightly, one part of the measure would prevent any charitable gifts or bequests being made to the persons holding these titles. Now, the effect of this might be to imply that persons not holding such titles might take gifts and bequests, and he should be sorry to see any such power even tacitly conferred; for every one must be acquainted with the means by which Catholic priests in this country managed to acquire property. He was afraid that the remedy proposed by the Government would not be found effectual. They had lately heard of the increase of Roman Catholocism in this country—of the increase of wealth in the Roman Catholic Church—of the number of conversions that were made to that Church—and he would ask, was there no danger to be apprehended from that Church, and from the leaders of that Church? An author had said of those persons—"That there was no such dangerous conspiracy and banding together against the happiness, intelligence, and independence of mankind, as that of the priesthood of the Roman Catholic religion." How did this conspiracy proceed? The two great pillars of the Roman Catholic Church were the celibacy of the clergy and the practice of confession; and as long as there were weak persons in the world, and licence was given to the persons alluded to to exercise their callings unnoticed by the law, there was no limit to the point they might attain through their ambition. Had there been no example in any country of a minority of Roman Catholics having overcome the majority—having seized power, and, in defiance of all treaties and agreements, proceeded to establish the supremacy of their own religion? He would mention an instance—that of Poland. After the Reformation, the equality of the Roman Catholic, Greek, and Lutheran Churches was established by treaty; but in the course of time the Roman Catholics became a majority in the legislature; and how did they use their power? They turned out of the Diet all the members of the Greek and Lutheran Churches, and they so persecuted them, that the consequence was a civil war, which led to the interference of foreign Powers in the affairs of Poland, and ultimately to its partition. If the Roman Catholics should ever attain power sufficient to enable them to interfere with the functions of the Government in this united kingdom, to what hazard might not the empire be exposed! This great empire might be unable to defend her great and disjointed possessions in every part of the world. A measure was proposed last Session by which almost the whole of the representation of Ireland would be placed in the hands of the Irish priesthood. How they would exercise their power the House might judge from the result of the two elections which had taken place since the passing of that measure. When that party was enabled to send some hundred Roman Catholic representatives to Parliament, they might ask for an augmentation of their privileges, and if the demand were not granted, their Lordships could easily conceive what sort of debates would take place, and how difficult it would be to carry on the government of the country.

But some people said, "What can you fear from the Roman Catholics in this country? Their Church is not established; they have but little property." He (Lord Abinger) must be permitted to say, that a great conspiracy, humble though its members might be, was very dangerous both from the secrecy of its nature and the secrecy of its operations; and he could assure those who spoke of the poverty of the Roman Catholic Church that that defect was being remedied, he would not say daily, but nightly and hourly. He knew various instances which he could mention to the House. Formerly—before the Reformation—three-fourths of the property of the country were in the hands of the Roman Catholic Church; and the same would be the case if the endeavours of the Roman Catholic priesthood to acquire property were not checked by the Legislature. He would mention several of these instances, in order that the House might see whether it was wise or safe to allow these accumulations to be made. He heard a case argued, some time ago, at their Lordships' bar, where the daughter of an Irish father had gone into a convent. Her father had given her one-fourth of his property; but dying intestate, she became entitled to her share with the rest of the children. It was proposed that she should give up her share, and she consented to do so, but, at the last moment, she refused to execute the agreement which had been prepared for that purpose, as the superiors of her convent claimed the property as belonging to them. The Court of Chancery decided against the claim of the superiors; but the case was brought before their Lordships on appeal, and counsel appeared at the bar and argued that the superiors were entitled, and revived all the obsolete claims of the Church in respect of the property of those who entered religious houses. Another case was this—that of the son of a very respectable attorney residing near Liverpool, who had acquired a fortune of 200,000*l.* That gentleman died, leaving the whole of his property to his son, who, it appeared, was not a person of very good understanding. There was living in the house at that time the sister and two nieces of the testator. The Roman Catholic priests soon got about this person. They caused the nephew to quarrel with his aunt and cousins, and they were excluded from the house without any provision. The priests got from him 20,000*l.* in the name of charity; and having got rid of the old servants, he sent for the son of an old butler, who had been sent to some college in Spain, and who had become a Jesuit, to stay in the house with him. . This gentleman was subjected by these priests to every species of maceration; his tomb was prepared in a chapel near the house—he was compelled to say prayers before it many hours in the day—he was compelled to endure great abstinence, and to wear a hair waistcoat next his skin. He suffered so much that both his bodily and mental health declined. One maid servant, who had been suffered to remain in the house, said, "Why bear this any longer—why not run away?" He said, "I am indeed tired of it all." And he did run away, but he had not gone far before the gardener was sent on horseback to fetch him back. He was brought back, and out of the house he never went again. He died in a short time, and then the priests produced a will made in their favour. The will was disputed, and his lamented friend, the late Sir William Follett, was specially sent down as counsel for the three ladies—the aunt and cousins of the testator. When he came back this was the account which Sir William Follett gave him. He said, that if he succeeded in upsetting the will, the Jesuits had got a second and third will in their favour, all stronger than the first. He therefore consented to a compromise, and the ladies received 10,000*l.* Now, he (Lord Abinger) believed that that sum would not have been given if these priests did not know that there was something in the case which could not meet the public eye. He would mention another case. A gentleman kept some asylum for young and rich ladies, and one placed herself there who had a fortune of 8,000*l.*; she spent 4,000*l.* in a very short time, and her mother asked that gentleman how the money had been expended. He said, he could not control her daughter as she was of age; but the drafts were made to the gentleman, and he ought to furnish some explanation. The gentleman refused all explanation. The lady afterwards went into a nunnery. Many publications had appeared containing statements respecting these nunneries, but they were bought up by the Roman Catholics. Perhaps their Lordships might have seen a publication by Miss Monk, who had been in a convent at Montreal, on this subject? He would suggest that these establishments should be placed under some system of inspection and control. Prisons and lunatic asylums were subject to inspection, and he did not see why these institutions should not be subjected to some similar system of inspection. These things sprung up on all sides. He did not allude to Roman Catholic establishments alone, but to this species of fraud, under whatever denomination it might take place. Now, what were the remedies? He would venture to suggest some. And he felt the more impelled to do so, as there seemed to be a general backwardness and indisposition to take any prominent position in these matters. People said, "Such things are very grievous, but they are spiritual matters, with which Protestants cannot have any concern." And so the evil was suffered to exist and to increase. He (Lord Abinger), taking advantage of the opportunity which the presentation of this petition afforded him, would throw out a few hints as to what means could be devised for overcoming, or at least mitigating, these evils. It was possible, under the Emancipation Act, to have a more vigilant police system over monasteries, nunneries, and over monks of every order. Indeed there was a sort of promise in the Emancipation Act that monasteries would be gradually abolished—a promise which, it was needless to say, had not been kept. There was a provision that there should be a registration of monks. No registiation had been kept. Foreign Jesuits were not to be allowed to come in without the sanction of the Secretary of State, and yet he believed he might state upon good authority that thousands of Jesuits had come in without any permission. They had penetrated into every department of society—into our schools, into our colonies, into our universities. Was this to go on without prevention? Another remedy was a Commission to inquire whether the statute of mortmain could not be enforced? There was one defect in this statute, namely, that personal property was not included in its provisions; but, according to Lord Chancellor Hardwicke's decision, real property alone came within its provisions. It would be for their Lordships to consider whether personal property could not be included. A remedy ought to be devised against the endowment of religious establishments by such means as must at present be resorted to. By the law of France, not only could no medical person receive a legacy from a person in his last illness, but no priest or confessor could do so.

Lord BROUGHAM: No lawyer or notary.

Lord ABINGER: Just so; and why should it not be so in this country? Had not their Lordships seen a case in one of the law courts reported in the public journals, in which was a sufficient proof of the evil. Surely this invasion of our houses, this direction of our wives, this abduction of our daughters, ought to be put an end to. He would beg to suggest as remedies—firstly, an inquiry into monastic establishments; secondly, how far it was possible and practicable to enforce the law of mortmain; thirdly, a special police for the inspection of those religious houses; and, fourthly, a rigid enactment making void any legacy of any property made to a priest or religious establishment during the last illness of the testator. He must say that he did not think it probable that such a measure would be proposed by the Government. They seemed to wait until they were goaded on; but they might wait too long, and their delay in not bringing forward remedies for those acknowledged evils and abuses, would in all likelihood excite a feeling of bigotry and resentment in the country which did not now exist. He stood there upon no merits of his own, but on the pre-eminent merits of his predecessor. It was necessary on some occasions, when the enemy was in view, that some one of no consequence should be hazarded to commence the combat. He well appreciated the risk he incurred by thus giving utterance to his sentiments; he knew he would stir up many enemies — many powerful enemies, and that for him there could be no glory; but nevertheless he would not shrink from the performance of his duty, nor hesitate to expose himself to the shafts of obloquy in the performance of that duty, however great the hazard, or insignificant the reward.

Petition read, and ordered to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 11, 1851.

Minutes.] New Member Sworn. — The Right Hon. John Hatchell, for Windsor.

Public Bills.—1ª Sunday Trading Prevention; Farmers' Estate Society (Ireland).

THE CAPE OF GOOD HOPE.

Mr. ADDERLEY, on rising to put the questions of which he had given notice, said, that there were now in this country delegates representing the discontented parties in the Cape, and also delegates who were more inclined to the measures of the Government; and he complained of the want which they experienced of information on important particulars connected with the affairs of the colony. In the other House of Parliament a question had been put to the noble Lord the Secretary of the Colonies on the subject, and his answer was, that the information would not be given until fresh despatches had arrived from the colony; that was, until too late a time to be of any use. However, the present facts which he (Mr. Adderley) wanted, being complete in themselves, up to the failure of the letters-patent, he begged to ask the Under Secretary of State for the Colonies, "whether he intends to lay on the table of the House the correspondence which has passed between himself and the Governor of the Cape subsequently to the receipt in that colony of the Order in Council, empowering the Governor and his Legislative Council to frame a representative constitution?" And he also asked for a return of the petitions from the various municipalities which had been sent to Her Majesty on the same subject? He would also be glad if the hon. Gentleman would lay on the table of the House copies of the resolutions that had been entered into at the meetings that had taken place.

Mr. HAWES, in reply to the questions of the hon. Gentleman, begged to state that the whole of the correspondence would be laid on the table of the House at as early a period as was possible. The correspondence was now in progress of being printed, but it would be highly inconvenient to lay that correspondence on the table before the despatch arrived. With regard to the petitions to which the hon. Gentleman referred, he did not put his question in the form that it was on the paper. It was late on Saturday when the petitions were received. Of course the resolutions will be found in the papers.

THE EVIDENCE BEFORE THE CEYLON COMMITTEE.

Mr. BAILLIE begged to ask the hon. Gentleman the Under Secretary for the Colonies, if it was the intention of the Government to oppose the Motion, of which notice had been given, that the evidence taken by the Ceylon Committee should be printed; and whether it was the intention of the Government to lay on the table of the House the report of the Royal Commission which was sent to Ceylon, in consequence of an address from the House of Commons in the last Session of Parliament, as well as the evidence taken before the Commissioners?

Mr. HAWES said, the hon. Gentleman was aware that on the first night the House sat, he laid on the table papers which were included in the notice he had given. There were papers, however, which could not, and ought not at present, be laid on the table of the House, inasmuch as a gallant Officer was about to be subjected to a court-martial and the subject matter of those papers formed part of the case.

Mr. BAILLIE, in consequence of the answer of the hon. Gentleman, felt he had just reason to complain, and was under the necessity of asking a question concerning the privileges of the House. It would probably be in the recollection of the House, that at the commencement of the last Session of Parliament, the noble Lord at the head of the Government had not only utterly impugned a statement made by him (Mr. Baillie) in that House, but had accused him of producing false documents injurious to the character of an officer in the British Army; and the House thought the matter of so much importance, that they deemed it necessary to address Her Majesty that a Commission should be sent to Ceylon to ascertain the truth or falsehood of those charges. That Commission was appointed, and the report of that Commission arrived in this country at the end of the last Session of Parliament. The noble Lord refused to produce that report at the end of the last Session, on the ground that the evidence on which the report was founded had not been sent home to this country. But that evidence had now been sent home to this country; and the Government now refused to produce the report, on the ground that a court-martial was some time or other to take place in Ceylon; and thus it appeared that the inquiries of the House were to be delayed, and made dependent upon the proceedings of the Commander-in-Chief. If they were made so dependent, he could predict that the report would not be laid on the table of the House in the present Session. The question he had to ask was this: the report having been already submitted to the Ceylon Committee, he wished to know whether the document having been submitted to a Committee of the House, it was not virtually in the possession of the House, and whether it was not a breach of privilege to refuse the production of the document? He also wished to ask, whether, as a Member of the House, whose character had been impugned, he had not a right, as a question of privilege, to ask for the production of this document?

MR. SPEAKER: My answer to the hon. Member's first question must depend upon what took place before the Committee of last Session. If the document was formally laid before the Committee, and regularly entered upon the Minutes, it would be, of course, in the possession of the House, and not in the possession of any Government department; and in that case it would be a breach of privilege to withhold it; but if the document was not formally laid before the Committee, the House has no control over it, and the Government department in whose possession it now is are justified in withholding it, until the House has determined that it shall be produced. There is no question of privilege involved in the second question. The hon. Gentleman seeks to justify himself as a Member of the House, and on that account claims to be entitled to the production of those papers. That is not a question of privilege, but one which the House must decide for itself upon a Motion.

EXTENSION OF THE FRANCHISE.

SIR JOSHUA WALMSLEY begged to ask the noble Lord at the head of the Government, whether it was the intention of Her Majesty's Ministers to take any steps during the present Session to extend the right of voting for Members of the House to other portions of the adult male population of these realms than those now in possession of the elective franchise under the provisions of the Reform Act; or whether there was any intention to amend the deficiencies of the Reform Act of 1832?

LORD JOHN RUSSELL: In answer to the question of the hon. Gentleman, I can say in the first place, that it is not the intention of Her Majesty's Ministers to take any step during the present Session, to extend the right of voting for Members of this House to other portions of the adult population beyond the classes now in possession of it. With regard to the second question, whether there is any intention to amend the Reform Act, I have on previous occasions expressed my opinion to the House that there were certain amendments of the Reform Act, and certain extensions of the Reform Act, that I thought were desirable. I still retain that opinion, and shall act on that opinion when I think the proper time has come.

AGRICULTURAL DISTRESS.

MR. DISRAELI moved that the paragraphs in Her Majesty's gracious Speech, relating to the condition of the country be read by the clerk at the table.

The Clerk then read the following paragraphs:—

"Notwithstanding the large reductions of taxation which have been effected in late years, the receipts of the revenue have been satisfactory.

"The state of the commerce and manufactures of the united kingdom has been such as to afford general employment to the labouring classes.

"I have to lament, however, the difficulties which are still felt by that important body among my people who are owners and occupiers of land.

"But it is my confident hope, that the prosperous condition of other classes of my subjects will have a favourable effect in diminishing those difficulties, and promoting the interests of agriculture."

MR. DISRAELI then proceeded: Mr. Speaker, a condition of general prosperity in a country concurrent with the continued depression of a most important class of the community, appears to me to be a conjuncture which should make a Minister reflect; but if such a combination of circumstances be brought about by legislation which has at the same time produced the general prosperity and the particular depression, I think the subject becomes one which merits not only the consideration of Cabinets, but also the deliberation of Parliament. These remarks, I think, apply to the present condition of the owners and occupiers of land in the united kingdom. It was at first my intention to have offered to the House evidence now in my possession as to that present condition. I would have offered to the House evidence afforded by men in various parts of the kingdom, and who are widely and extensively engaged in the cultivation of the soil—men who are in their class of the highest reputation and merit—many of them known to Members on both sides of the House in Scotland and in Ireland as well as in England. I feel, generally speaking, that there is an objection to such evidence, however respectable, and however supported by the names of those who offer their testimony. I feel that there is a general objection to such evidence being offered in Parliamentary discussion, because it is not subjected to cross-examination, and if brought forward by a private Member of this House, does not bear the stamp of official authority. Trusting, however, to the high character of that evidence, I should have felt it my duty to trouble the House at some length on this head, but for the admission in the Speech from the Throne, and from Her Majesty's Ministers. They declare that there are difficulties still felt by those classes of Her Majesty's subjects who are owners and occupiers of land. Those admissions render it no longer necessary to dwell upon that evidence. They will curtail the observations I have to offer to the House, and will save me from making remarks which might bear a wearisome character. I think I may say, without any exaggeration, that the fact of the co-existence of great and continued depression amongst the owners and occupiers of the soil of the united kingdom—which is not contested by Gentlemen on either side of the House, whatever may be their opinions as to the cause, or as to the policy which has produced the consequences—I think that this concurrence of what is called general prosperity and particular distress is a *primâ facie* reason why we should inquire into the cause of that particular distress. If there be an impression that the same cause has produced the prosperity and the distress, then that is an additional reason why the House of Commons should enter upon an investigation such as I propose to them. I think there is a third reason why we should approach this discussion with a feeling that it would be becoming us all patiently and impartially to hear those who have to offer an opinion on this important subject, and that is, I may venture to say, that the consequences of our recent legislation, as far as regards the owners and occupiers of the soil, were not foreseen by the authors of that legislation, or its principal favourers and promoters on either side of the House. I remember five years ago—and five years is a considerable passage of time, sufficient, at least, to allow us all to approach this discussion with unimpassioned feelings—a sufficient progress of time to have brought experience with it as to some of the consequences of what then occurred—I remember, five years ago, that eminent man whose place I now unworthily occupy, and whose loss I never more deplore than when I have to discharge those duties which his vehement and indefatigable spirit would much more satisfactorily perform—I remember a very important question being then put by him to the First Minister of the Crown, who then proposed a repeal of the corn laws. Lord George Bentinck, early in the Session of 1846, and before he addressed himself to the question which occupied him afterwards so much and so seriously, inquired of Sir Robert Peel whether he had taken into consideration the effect of a repeal of the corn laws on the commutation of tithes. He reminded the Minister that in the last seven years the average which the occupiers of the soil paid as tithes was 58*s.* 8*d.* the quarter—that, assuming that the consequence of the change in the law would be to reduce the price of the quarter of wheat, then 58*s.* 8*d.*, the existing average, to 45*s.*,—he reminded the Minister that it would take seven years to work down the average to 45*s.*, and he asked him whether he had anticipated any such consequences, and whether he had prepared a measure to lighten the burden on the cultivators of the soil. The answer of Sir Robert Peel—I remember it well, but it is due to him to give it in his own words—Sir Robert Peel replied, that "he was not prepared to make any alteration as to tithes, as he did not believe that there would be any material alteration in the price of wheat." Now, Sir Robert Peel lived to change his opinion on that point, for most of us must be familiar with the circular he afterwards addressed to his tenantry, in which he stated the price of wheat as lower than had been anticipated by Lord George Bentinck, and gave his opinion that there was no prospect of any increase in that price. Nor were these sanguine views as to the moderate effect of the new legislation confined to the eminent person who presided over that Cabinet. It was one in which the most distinguished Members of it participated. When we were accustomed to dwell on the probably ruinous prices from the unrestricted importation of foreign agricultural produce, we were accustomed to be asked—I will not say in a taunting manner, because I do not wish to make a single observation which by any possiblity can be mistaken, or may prevent us from approaching this discussion in so fair and temperate a spirit that we may arrive at the truth—but we were asked—"Where we expected the foreign corn to come from?" Now, that is certainly a question which no Gentleman on either side of the House would now have any difficulty to answer. Nor was the opinion to which I have referred confined to the Cabinet that then presided over the country. The Ministers who now sit opposite entirely shared in them. I see before me, I think, the right hon. Gentleman the Secretary at War (Mr. F. Maule), and I can recollect his addressing this House amidst the sympathising cheers of the assembly, and stating that the Scotch farmers had not the slightest fear of competing with the foreign producers—that he knew of a case that had just occurred of a very considerable farm in East Lothian—the farm of East Barnes, if I remember right; that it had been recently let, not only at a high rent, but at an increased rent; but then, he said, the farm had been taken by a man of energy and enterprise. Well, reading a liberal Scotch paper the other day, the name of East Barnes caught my eye, and there I found that the proprietor of this farm of East Barnes—his name, I think, was Mr. Mitchell Day—in a very proper spirit, and, acting in a proper manner, had reduced the rent of the man of energy and enterprise by no less a sum than 650*l.* This shows than even a Scotch farmer is liable to error as well as an English farmer. There is a Minister whose opinion upon such subjects would naturally very considerably influence the House, who has, of all of them, shown the least reserve upon the point. If the sanguine statements and cheering calculations of the Chancellor of the Exchequer could have compensated for the absence even of protection, they have not been spared, but have been extended to the owners and occupiers of the soil with an exuberant generosity. He was not only always hopeful, but he always announced that the consequences, which he confessed he did not foresee, were only the result of what he called exceptional causes. Now, the harvest was short; now, it was exuberant; but whether plentiful or whether sterile, unfortunately for the owners and occupiers of the soil, whose difficulties continued—difficulties which are now recognised by our Sovereign—unfortunately for that important class of Her Majesty's subjects, the result was always the same. Whether it were peace or whether it were war—whether the Continent were in a state of convulsion, or in a state of tranquillity, the same effect was always produced in Mark Lane. But the Chancellor of the Exchequer not only accounted for this by what he called exceptional circumstances, but he always proved by ample arguments, and by what he called an appeal to facts, that those circumstances could not long influence the market. Last year, when, with reference to a specific proposition for their relief, I brought before the House the condition of the occupiers of land, that important class of Her Majesty's subjects, the Chancellor of the Exchequer, for reasons which we all deplored, was then absent. But in 1848 the Chancellor of the Exchequer was present, and never did he favour the House with a more successful exposition of economical principles, or carry away in the opinions of his supporters, more laurels than on that occasion. It was the occasion when I first placed in its proper light the long-perverted question of local taxation. I will not at this moment enter upon that subject. I shall have occasion to do so hereafter; at present I wish to refer to the speech of the Chancellor of the Exchequer on that occasion, in which, having despatched the question of local burdens, which he did to a great extent and with his usual ability, he gave us his matured opinions and the matured opinions of the Cabinet on what he called agricultural distress. The Cabinet acknowledged agricultural distress in 1849, but then they said it was partial in its operation, and most vexatious in the south of England; but that it prevailed in all parts was denied. But they said it could be accounted for; and the Cabinet, by the mouth of the Finance Minister, accounted for that distress. The Chancellor of the Exchequer, in 1849, "was inclined to think that the present depreciation of agricultural produce was very much caused by alarm." He waxed still stouter in that opinion from the sympathy of his supporters, and in the course of five minutes he actually said, "That there was abundant reason to believe that the present prices were unduly lowered, from the language held at recent agricultural meetings." I believe he even intimated that the principal cause of the depression of agricultural prices was the speeches made by my noble Friend the Member for Stamford. Now, no one appreciates more than I do the ability of my noble Friend, or admires more the sacrifices he makes, and the zeal and perseverance with which he devotes himself to the performance of his public duties; but highly as I may esteem my noble Friend in other respects, I confess I do not ascribe to his eloquence, or that of any Member of this House, the faculty of influencing the prices in Mark Lane. But the right hon. the Chancellor of the Exchequer said there were other things to be considered, besides the price of grain. He told us that meat, a most important article, was to be considered; and, while he deplored the price of meat as being low, he assured the House that it was only temporary depression. "The price is temporarily depressed below the average rate." Now, what was the average rate of 1848, which is the year he then referred to at the beginning of 1849, and which he said was a temporary depression which he deplored, and anticipated could not last any time. I have the average of 1848, as quoted in the speech of the right hon. Gentleman, and I shall take the averages of the year 1850 at the same time, to see whether there was any good reason for the assertion that the depression was only temporary. The average of 1848, of beef, was 4*s.* 5½*d.*; that was the average of a time of temporary depression; the average of the year 1850 for beef was 3*s.* 8½*d.*, taking the Smithfield official returns. So that after two years of temporary depression we are in a worse condition. The average of 1848, quoted by the Chancellor of the Exchequer, which was an unusually low price, according to the right hon. Gentleman's statement, and could not remain so low, for mutton was 5*s.* 2*d.*; but in 1850, after two years of temporary depression, the price was only 4*s.* 2*d.* Now that is a reply to the observations made on this subject in the ingenious speech of the hon. Gentleman the Member for Norwich, on the first night of our meeting. My only object in referring to the opinion of the Chancellor of the Exchequer, is, to show the Chancellor of the Exchequer, that it may be possible to form an erroneous estimate on this important subject. And, therefore, when great men on both sides of the House have formed erroneous opinions, it is still more the duty of the House calmly, deliberately, and dispassionately to see whether it cannot discover the cause of this continued depression, and penetrate the reasons of such an anomaly, that, in a country in which we are told in the Speech from the Throne there is general prosperity, there should be depression, and continued depression, of one of the most important classes of the community. Well, that was the opinion of the Cabinet in 1849; but what was the opinion of the Cabinet in 1850? True it is, my right hon. Friend, unfortunately, was not in his place when the subject was amply discussed last Session. But, in another place, no less a personage than my Lord President favoured the world with the opinions of the Cabinet on the important subject of the condition and prospects of the agricultural classes. It was the opinion of a statesman second to none for experience and judgment, and who, from his high position and his connection with the soil, naturally commanded the respect and confidence of the agricultural community. What was the opinion of the Lord President, expressed early in the Session, in the august assembly of which he is a Member, and in order to relieve the anxiety of the depressed owners and occupiers of the soil? He told the country that the depression was caused only by exceptional circumstances, which would not exist probably for many weeks. This eminent statesman—for he really is an eminent statesman—deeply interested in the land, and sympathising with its cultivators, not merely because he is himself a landed proprietor, informed us, about this time last year, that the idea of continued importations was absolutely absurd. Well, but when we find men of such eminent sagacity and experience and such high position—when we find men, after giving all the attention they possibly can to the subject, and expressing their opinions under a sense of the great responsibility attaching to all that falls from the lips of a Minister of the Crown—when we find that these men have been equally deceived as their predecessors, it is an additional reason, I think, why the House of Commons, at least, should endeavour to fulfil its duty, and endeavour to arrive at a more sound and sagacious conclusion than that of those who very properly have been looked up to as its models and leaders. I do not for a moment accuse the present Government of not having given the greatest attention to the subject. Not merely have we had the opinions on Scotch farming of the right hon. Gentleman the Secretary at War—not merely have we had the repeated opinions upon details becoming his position from the Chancellor of the Exchequer—it is not merely that we have had the solemn, digested, and recorded opinions of the Cabinet, by persons of the information and influence of my Lord Lansdowne; but we know that other Members of the Government, not occupying positions so eminent, or fulfilling functions so responsible, but still whose opinions are eminently entitled to consideration on such topics, from having devoted their intelligence to the investigation of this subject, have favoured the House with the conclusions at which they have arrived. A Cabinet Minister has a great deal to do—we expect him to take a general view of questions, and can scarcely expect him to be master of details, except in reference to the department over which he presides. But there are some Members of the Government who devote themselves to economic details, and have a particular talent for that branch of political science. For instance, the hon. Member for Westbury; he is a Member of the Administration, distinguished, and justly distinguished, for his statistical acquirements and economical information. I can say this sincerely, that I know no man in the House who is more successful in demonstrating that that which has happened ought not to have occurred. We were favoured with the opinions of the hon. Member for Westbury last year in the discussions upon the state and prospects of agriculture. The absence of the right hon. Gentleman the Chancellor of the Exchequer rendered his assistance at that moment, and his interposition in the debate, doubly valuable, because the noble Lord at the head of the Government, although eminent for his knowledge of constitutional law, and his power of historic argument, it is understood has rather a distaste for figures, excusable in a great statesman, who naturally devotes himself to great principles. The hon. Member for Westbury proved, however, that all the importations last year ruined the importers. No man in the world has proved more completely than the hon. Member for Westbury, that France could not send to England a single quarter of wheat; and none demonstrated more perfectly that the teeming millions of the United States were ready to devour everything that was produced in the valley of the Mississippi. Still, notwithstanding the hon. Gentleman's calculations — notwithstanding his irrefragable reasoning, the difficulties of that important class, the owners and occupiers of land, continue. Now the mention of the United States recalls to my mind that there are other great authorities who have touched on this subject—men whose opinions, mind you, have influenced the legislation of this House. There is an hon. Gentleman, a county Member, representing in a certain degree an agricultural constituency, but who is also intimately acquainted with all the interests of commerce, the Member for South Lancashire; I remember that hon. Gentleman telling us that the English producers had no reason to apprehend any importation from the United States, because they had a natural protection in the article of freight. Freight, said the hon. Member for South Lancashire — himself a Liverpool merchant, and an American merchant — freight, says he, with reference to the United States, is equal to a protection of 11*s.* the quarter. But how did it turn out? Is freight from the United States equivalent to 11*s.* a quarter? On the contrary, the eleventh part of 11*s.* would more correctly describe the result. And then as for the continent of Europe, and the places generally more contiguous than America, it is a fact that with our five years' experience we have arrived at this result, that freight is no protection whatever, and that the expense of transport, generally speaking, from the continent of Europe does not exceed that from port to port in this country. My object in making these observations is not in any way to build on these circumstances an argument in favour of retracing our steps—that is not the topic I am going to introduce—or of questioning the propriety of the legislation which these fallacious estimates and calculations have led you to adopt. That legislation may be beneficial and politic—still, politic as may be the course, beneficial as may be the consequences, you cannot deny that all your estimates have been wrong, and all your calculations erroneous. Well, the moral I draw from these circumstances is this, that as a great many of our most distinguished men, on both sides, upon this subject, have, unfortunately, not been so sagacious as we have always given them credit for being, it is a reason that we should approach the subject not in a spirit of haughtiness and conceit, with an overweening confidence in our own judgment and accuracy, but that, seeing that a most important class in this country is in a state of continued depression, and marking the strange anomaly that that depression continues and is concurrent with what you call general prosperity, and which I accept as such, that you will feel it your duty, in a spirit of more temper and more patience than you have hitherto shown, to investigate this great subject, and to take that course which I think justice and policy both recommend you to adopt. Now, Sir, there is yet a fourth reason why I think the House should extend to this subject that patient and painstaking investigation to which I have referred. After five years' experience—after a lapse of time which allows us to look back to the past, I hope in an unimpassioned spirit—I cannot resist the conclusion, that during the great controversy as to the important changes in our legislation to which I have referred, great injustice was done to the character and conduct of the British farmer. In all those discussions, and in that preliminary agitation out of doors, representations were made to an excited and perplexed community, which unfortunately, although most unjustly, conveyed the impression that the British farmer was an unskilful and a slothful man; a want of energy and a want of enterprise were accusations by turns thrown in his face—imputations from which scarcely any one at last dared to vindicate him. True it is there were some great facts which those who resisted the abrogation of the late law regulating the importation of foreign agricultural produce—there were some great facts of which they ventured to remind the House, even at that moment of passion. It could not be denied that under the abrogated system, whose virtues I am not now eulogising, and the spirit and effect of which legislation I am not now attempting to vindicate—that is not the subject to which I am going to call the attention of the House—but I may be permitted to say that some great facts were elicited which none denied, although few listened to. The House could not deny that the British farmer, stigmatised as he was, had succeeded in winning from the soil a greater amount of produce than any farmer of any country in any quarter of the globe. It could not be denied that the acre, which at the period of the American war yielded an average of 20 bushels of wheat as its produce, yielded at the time the corn law was repealed an average of 32 bushels. It could not be denied—because the evidence was on the table of the House—it could not be denied that in the quarter of a century that had elapsed between 1821 and 1846, the population of this country had increased at the rate of 32 per cent, while the produce of wheat had increased at the rate of 64 per cent. It could not be denied that those men who were daily and unjustly told that they were so deficient in energy and enterprise, had themselves, in 1845, when not one of them dreamed that their protection would be withdrawn, imported from the remote coasts of the Pacific, a curious, novel, and most valuable manure to the amount of 4,000,000 cwt. Sir, these were great facts which could not be denied. What wonder that these men should have covered with exuberant crops the kingdom of Scotland, notwithstanding its stern soil and sullen skies; that they should have cultivated Salisbury plain, as had been said by the hon. Member for Westbury, like a garden; that they should have clothed with rich harvests the sands of Norfolk, the fens of Cambridge, and the morasses of Lincolnshire. Let us, after five years' experience, not refuse to do justice to these maligned characters. For remember how these men, who were suddenly called upon to compete with the foreign producer were counselled to act, and what they were told was to be their compensation for the severe trial to which they were exposed. It was to be increased production of the soil. I remember that eminent Minister who proposed that great change—I doubt not, from what he believed to be an inevitable and irresistible necessity, and which I have no doubt he did not propose without some pangs for the possible sufferings of a class who were wont to look up to him with confidence and regard—I remember his saying it was in the increased production of the soil the British farmer would find his compensation, and he had such confidence in the progress of science and the energy of that class of men that he did not doubt they would be able to baffle and beat down all the difficulties they had to contend with. I remember Sir Robert Peel saying that no man could turn over the *Agricultural Chemistry* of Liebig, who would not feel that the productive powers of the soil had been, after all, but feebly developed. Now, what was the prime remedy in the work of Mr. Liebig? It was the application of certain mineral manures to the soil, by which the British farmer would so increase his produce as to obtain compensation for the unequal competition to which the change of our laws subjected him. But what has occurred? Why, that this famous theory of mineral manures has utterly broken down, and been succeeded by no other recognised as effectual. The whole is admitted to have been founded upon an enormous fallacy, and utterly unproductive of the results anticipated. Sir, I say this also is a circumstance which, in the discussion of this question, should teach us to be charitable, and to approach the consideration of the condition of the owners and occupiers of the soil in a very different spirit to that which we have hitherto extended to them. I remember, when this great controversy began actively in this House, it was always treated by us as a farmers' question; and it was incessantly thrown into our teeth by our adversaries that it was not a farmers' but a landlords' question. Now I should have thought that the greater diffusion of economical knowledge which at present exists would have put an end to this fallacy. But from some observations which I have recently met by persons of great authority on these subjects, I find it is still believed that rent is a sort of arbitrary exaction—a kind of feudal tallagium which is the reward of conquest, and that when we talk of the depression, and difficulties, and distress of the occupiers of land, if the owners of the soil were prepared to sacrifice what is called rent, all these difficulties would vanish. Sir, I think the time has arrived when we ought to terminate that fallacy as well as many others. I should think that a majority on either side of the House will agree with me, that in an ancient country where there is a great breadth of land in cultivation, and a great variety of soils, rent is an economical result as certain and as inevitable as the harvest is a natural result after the seed-time. The only way you can terminate rent is to throw every soil out of cultivation but the very best; and the only way you can prevent the best paying rent is by loading it with such an amount of burdens and imposts that after the cost of production nothing is left but the average return of profit for the capital employed. Now, if I have stated this correctly—if that be a statement which science sanctions, and which no man with a regard to science will presume to question—I want to know what becomes of that barbarous outcry against rent which we hear from persons of great authority on this question, and whether it is not a vulgar error we are circulating in that community we should lead and enlighten, when we held out to the masses, that any attempt to seek relief from the distress affecting the owners and occupiers of the soil is merely an attempt to maintain rent in England? Far from this, I think the whole tendency of our laws is to blot out one class of the agricultural hierarchy, and that the farmers. I think the tendency of our laws is very much to bring the agricultural community again to two classes—namely, the proprietor and the peasant. Is that a result which the House or any section of it desires? Sir, I was always taught to believe, and I most sincerely do believe, that the middle class is the best security, as it is the best consequence, of civilisation. You are making war upon a most considerable, and not the least respectable portion of the great middle class; and therefore when I am told that this is a landlords' question, I have offered you some suggestions which I hope may induce you to believe that both economically and socially this is a fallacy. Sir, I trust the House will excuse me having made these somewhat preliminary observations to the subject, to which I shall more strictly adhere in the further remarks I have to offer to its attention. My wish is, to bring the House on both sides to forget the past—not to allow the feelings of a controversy which has now lasted five Sessions to confuse the clearness of our judgment; but in a temperate and impartial spirit to do that which I believe the great body of our fellow-subjects wish us to do—to endeavour to ascertain the cause of this suffering, and, if possible, to remedy it. And here, Sir, that there may be no misconception of my object in making this Motion, I beg permission to state what my object really is. In the first place, it is not, as we have been recently told, with some authority—it is not a debate upon the condition of the people. I find the condition of the people described in the paragraphs in the Speech from the Throne which have just been read to the House. I accept that description of their condition—it is one of general prosperity concurrent with the suffering of a particular class. Do not let me be met to-night, then, with reports of Poor Law Commissioners or Registrars General. Do not prove to me to-night that pauperism has decreased, and marriages have increased. They are the facts that prove my case; and all evidence of that kind should be delivered from this box, and not from the one opposite. I am also extremely anxious that I should obtain no support to-night on false pretences, or incur any opposition from the same cause. I trust, for example, no hon. Gentleman will rise to-night and say that this Motion is a direct or an indirect attack upon the new commercial system. Far from it; it is in consequence of your new commercial system that I have felt it my duty to make this Motion, and to adapt, if I can, the position of the owners and occupiers of the soil to that new commercial system. Nor let any Gentleman support me to-night under the idea that this is an attempt to bring back protection in disguise. It is nothing of the kind. Last year—and I adhere to what I then said on this subject severely, strictly, even religiously—I said then that I should not, in this Parliament, make any attempt to bring back the abrogated system of protection, and I gave my reasons for that course. Sir, I deeply deplored at the time the circumstances under which that change took place. I deeply deplored that the Parliament and the Ministry, which were formally, if not virtually, pledged, and, what was more important, which was in the opinion of the community pledged, to uphold the abrogated system, that that Parliament should have subverted it. Sir, I think, under these circumstances, there was a clear cause of quarrel between the Parliament and the constituencies; but I cannot forget that, immediately after this great change, a general election took place. An opportunity was afforded to the constituencies, even if they had been betrayed, to recall the legislation and annul the abrogation which they deplored. I cannot forget that the agricultural body, in particular, was warned by their best and most powerful friend, who is now lost to us, not to lose that opportunity, because it was their only one. I cannot forget that they rejected that counsel, and that, misled by the superficial circumstances of the hour, by prices which were the consequences of a rare accident, they did not support us in the policy we recommended. I cannot consent that the laws regulating the industry of a great nation should be made the shuttlecock of party strife. Sir, I say, that if I thought, by a chance majority, I could bring back that system, popularly called protection, I should shrink from doing so. That must be done out of this House; and it must be done by no chance majority, but by, if not a unanimous, a very preponderating expression of public opinion; and no other result can be satisfactory to any class, or conducive to the public welfare. Hon. Gentlemen, if they condescend to recollect anything that I have said, will do me the justice to acknowledge that I am only repeating now what I have said before; so that no man can be in error as to my motives or the policy which I wish to pursue. This being premised, I wish to call the attention of the House to those difficulties which Her Majesty in Her gracious Speech deeply deplores still to exist in an important class of the community. What is the reason, when all other classes are prosperous, that important class should suffer? Why is it that the cultivators of the soil, whom we all recognise to be men of energy and of enterprise—whose great virtues we now acknowledge—what is the reason that the cultivators of the soil of the united kingdom cannot compete with the foreign producer? Sir, I believe that the reason why the cultivator of the soil in the united kingdom is at this moment embarked in a hopeless contest with the cultivators of foreign soils, is the weight of taxation to which the cultivator of the soil in England is liable. The taxation of this country, generally speaking—though time has mitigated, and circumstances stronger than time have reduced it—the taxation of this country is still universally acknowledged to be heavier than that of other countries. Heavy as it is—heavy as it might be, even if it were double the weight, I would not on that ground offer any plea on the part of the owners and occupiers of the soil. Whatever may be the weight of taxation, they are prepared, if it be in their power, to endure their portion of it without a murmur. Whatever the amount of the duties may be on tea, on tobacco, on malt, on sugar, it will be admitted that the agricultural classes bear their quota of the burden. As to what that share may be, I may have an opinion of my own, but I will not introduce it into this debate. I will not enter into an attempt to calculate the numerical amount of the classes connected with agriculture, and compare them with other classes. I will make no invidious comparisons between bodies which I wish to be emulous and not hostile: but this you must admit, that whatever be the weight of your taxation, the agricultural classes bear their fair proportion of it. Unfortunately, they bear more. What I wish to do to-night is, to ask you impartially—if it be not impossible to be impartial in matters of finance—to survey your financial system, and to see whether it be not a fact that it strains the energies and presses upon the resources of the owners and occupiers of the land more—much more, than upon any other classes—to see whether you have not in this country an enormous financial and fiscal system which has been created in consequence of the artificial state in which the agriculture of this country was placed by the legislation of this House. I ask you to see whether any statesman could have ever dreamt of inventing such a system if he had not at his command the industry and capital of a numerous class—perhaps the most numerous in the kingdom, who by the provision of an assured market would be enabled to bear continually a great aggregate burden? I know the extreme difficulty of taking a dispassionate and unprejudiced view of this subject. Unfortunately, we are all from an early age so accustomed to details, and so habituated to view our financial system merely in detail, that I am not at all surprised the hon. Gentlemen opposite should not immediately have come to the conclusions to which I have arrived. But I will endeavour, with their permission, to place the question in such a light that my object being only to elicit truth, I do not despair of influencing even their convictions. And therefore I will, in the first place, take a somewhat general view of our system of finance. Let us suppose now that an individual without prejudices, but possessed of those economical attainments necessary for such a study—let us suppose that such a person for the first time had examined the financial system of England—let us suppose that some one of those distinguished foreigners who it is expected will visit our metropolis in the course of the present year, being interested in economical pursuits, and struck with the wealth and energy of England—let us suppose that such a person, who may have been Finance Minister in some constitutional Government, wished to acquire some general idea as to the manner in which the revenue of England is raised. Now, of the great mass of taxation raised from the people of England I will take three items which are the three most considerable. Altogether they form an amount of nearly 50,000,000*l.* Those 50,000,000*l.* are produced, first, by external imposts; secondly, by what is called now inland revenue; and, thirdly, by local contributions. By your Customs, your Excise, and by your Local taxation, you raise at this moment nearly 50,000,000*l.* sterling. Now, what is the character of the first class of this taxation? This distinguished foreigner will learn that nearly one-half is raised from the cultivators of the soil being prohibited from producing a particular crop, or by the Government making it impossible for them to produce another by the great imposts to which they would be subject. If he go to the inland revenue he will observe that more than two-thirds of that inland revenue are raised by a colossal impost upon one crop of the British agriculturist. If he take the third division—namely, local contributions—he would find that at the most moderate calculation between 7,000,000*l.* and 8,000,000*l.* and more out of the 13,000,000*l.* were directly paid by the agricultural class, and the whole 13,000,000*l.* levied from a limited class of the community. Now these are the principal features which the foreign investigator will observe in our financial system. Let us now in detail examine that which we have just contemplated in a wider point of view. I take your Customs. One-fourth of them almost is produced by a law that prevents the British cultivator producing a crop of tobacco. And then I shall be told, in extenuation of this extraordinary law, that the land of England is not favourable to the production of tobacco. That is an observation that is stereotyped for a financial Minister of England. But the ingenious foreigner will remember that almost every country in Europe does produce tobacco, and that some of it is remarkably good. He must remember, that in Holland they produce such good tobacco, that it is actually exported to Havannah, where they make cigars of it to be smoked in London. But I might tell him that there are some soils in England eminently adapted for the cultivation of tobacco, and I might tell him that, in the sister island especially, there were great capabilities for its production; and here I must express my astonishment when I heard the President of the Board of Trade, some two or three Sessions ago, say in this House that the climate and soil of Ireland were not adapted for the growth of tobacco, that not one out of the 105 Gentlemen from Ireland, who are always telling us that their country is not sufficiently represented, did not rise in his place to contest the Minister's statement. I should have thought that some of them on the other side of the House must have remembered that tobacco had been cultivated, even recently, in Ireland with great success—in Wexford, in Wicklow, in the King's County, and other districts which I should have thought they might have recollected. I think that they will recollect that an eminent political economist, a supporter of the principles of free trade, and of course, therefore, an advocate of those laws which restrict British industry, stated that the climate and soil of Ireland were so well adapted for the cultivation of tobacco that it would be found impossible to raise the necessary revenue of the country if it were permitted to grow there. I think, Sir, that when the Prime Minister deemed it his duty to rise upon the first evening when Parliament met, and solemnly warn the farmers of England, over the table, that the time had come when they could no longer depend upon the wheat crop, it might have occurred to the noble Lord that it was eminently unjust to support laws at the same time which prevented them from producing other crops. And here, by the bye, I must beg leave to offer an observation in reference to a remarkable expression made use of by the noble Lord the other night, as I was not quick enough to remind him of it at the time. I understood the noble Lord to say that he deplored the rapid transition that had taken place in respect to the laws affecting corn, and he seemed to account for the depression of agriculture by the rapid transition from the old law to the new one. Now, I confess I do not understand the meaning of this phrase—the state of transition. I imagine that the state of transition is fully accomplished, and that we have now arrived at a fixed state of things. But I am surprised that the noble Lord should be the Minister to deplore the rapid mode by which this transition was accomplished, because I remember that when the late Government, by what I humbly conceive to have been a very prudent and well-considered arrangement, made that transition gradual, the noble Lord found fault with Sir R. Peel for prolonging the state of transition, the shortness of which he now deplores. I believe that the noble Lord was actually desirous of forming a Ministry that would not give us this transient benefit, that he even wanted to form a Ministry on the principle of immediate change, and, what is more, he divided the House on that point.

Lord J. RUSSELL: I supported Sir Robert Peel.

Mr. DISRAELI: I recollect that there was a division, and that the proposition of the Government was carried. If, however, the noble Lord voted against his own measure, of course I have nothing to do with that. I come now to the second branch of the revenue. Its amount is 15,000,000*l.*, of which more than two-thirds are raised by a colossal impost on one crop of agricultural produce. Who can deny that the barley crop of British agriculture furnishes more than two-thirds of our excise? Now let me call the attention of the House to the position in which the British farmer is placed in respect to this particular crop. It is the fashion now amongst Prime Ministers to tell the farmer that he must no longer depend upon his wheat crop. I will do the noble Lord the justice to say that he is only the repeater, not the originator, of this idea. The noble Lord caught it from the other side of the table, as he has caught many other notions; and the other side of the table caught it from somewhere else. Is it not monstrous that the farmer should be told that he must no longer depend upon the wheat crop, while the law loads him with an enormous tax if he attempt to cultivate the next crop to which he would naturally have recourse? And remember what this crop is. The Minister tells him not to depend upon his wheat crop. There may be certainly some wisdom in the advice. There is better wheat in the world than English wheat, however good it may be. But no one can pretend that there is anything better than British barley. We are, therefore, no longer to produce wheat, while we maintain laws which restrict the production of barley. We are counselled not to produce the crop in which we have successful rivals, while we are prevented from producing the crop in regard to which we fear none. Who can fail to see in all this the influence of a financial system which was framed with reference alone to a protective policy? Does any one believe that if the unrestricted competition which now exists had always prevailed, such a restriction as the present malt tax could have ever occurred to the imagination of any Minister? I am not at all surprised that eminent men who have well weighed these subjects—such a man, for instance, as the right hon. Baronet the Member for Ripon (Sir J. Graham), who is well acquainted with rural life—should say, that if we did away with the corn laws, the repeal of the malt tax was inevitable. Every practical agriculturist must naturally see the consequences of such a course. But then I am told that if we were to rid ourselves of this impost, that we should lose the monopoly of the malt market. Now, really in this age, after what we have gone through—after what we have endured, what we still endure, and what we are prepared to endure, to find any equivalent or compensation in that miserable wreck of casual monopoly, is something too preposterous for a moment to think about. But it is not founded in truth. If barley does not bear a voyage, I am quite sure that malt will bear it much worse. If we are not afraid of foreign barley, we need have very little fear of foreign malt. And the best proof of this is that you never get good beer anywhere but in England. How is it that we have a great export trade in beer if foreign malt be so superior in quality? We obtain on our beer a drawback, it is true, but a most imperfect one. But we send out our beer in large quantities, and it is the choicest in foreign markets. I confess it does appear to me that the claim of the land, as far as the barley crop is concerned, is complete. Its abstract justice cannot be impugned—and to abstract justice the land is now forced by your partial system of legislation. You are counselled not to produce wheat while there are laws in existence to restrict the production of barley. Your barley is the best in the world, while your wheat is inferior to that produced in some other countries. I touch but slightly upon these topics, for my time is limited, trusting to those Gentlemen that will follow me in debate to supply my omissions. I have shown you that, in regard to your external revenue, nearly one half is produced by prohibiting, in a great degree, and restricting in another degree, the cultivation of the soil of the British farmer, who is, nevertheless, by your recent enactments, thrown into competition with the whole world. I have shown you that two-thirds of your inland revenue are produced by an enormous tax on a single crop of the British cultivator of the soil. It becomes me now to consider the remaining branch of the subject, and I will endeavour to do so with the greatest brevity I can command; but I must throw myself upon the indulgence of the House. It is, Sir, obviously for the advantage of the community at large that the subject should be deliberately and amply discussed. I come, then, to the third division of the amount of the revenue of which I am treating, namely, that which is produced by local contribution. Some time has elapsed since I brought before the consideration of the House the whole subject of our local revenue, especially as it affected the land of the country. I took occasion then to place that subject of such vast interest in a just and true light. It is a question, I believe, which had not been before considered in its legitimate aspect and true point of view. Hitherto the subject has been always discussed by rival calculations as to how much our local taxes had been borne by one description, and how much by another description of real property. But the question had not been fairly put before the country. This enormous revenue of 13,000,000*l.* per annum is not a question between town and country, or between a house and a field, but it is, in fact, a question whether it should be raised from—according to the most moderate calculations—one-third of the public, and not rather from the whole—the money being expended for purposes of general utility and public advantage. Sir, I was not successful in the first Motion I made on this subject, nor did I expect to be successful. I grant that the proposition I made might be styled unreasonable. It was, perhaps, unreasonable to ask the House for 10*s.* in the pound of the debt that was owing to the land. But when you are not accustomed to pay debts, such demands are naturally considered to be very rude and unreasonable. The discussion did good, however, and, although there was great difficulty in carrying on a discussion of that kind, because then I had to begin at the beginning—to lay down abstract principles—to prove that the support of the poor was one of universal obligation, and so forth, yet advantage resulted from it; and next year we found the area more limited, and much taken for granted that was previously contested. Sir, I was then unsuccessful in obtaining a large, but, after all, only a partial measure of relief. But what occurred last year? I then proposed a measure which was more limited in character, but one which, I will say, was, if possible, more just; for I admit, for the sake of discussion, that the objections raised against a larger measure of relief from local burdens—such as a leading to centralisation, increased expenditure, and other evils predicted to follow from it, are of great weight. I may, however, here observe, that I cannot see that any of the evils thus described could be greater than the political injustice of making the suffering class of the population pay for all the rest. But, admitting these to be evils of a great character, I contend that I proposed a measure that was open to none of these objections. It was not open to the objection of centralisation, because I left the local distribution as I found it. It was not open to the objection that it was calculated to relieve real property from the imposts it had inherited, because I sought to deal only with those imposts that had been laid upon the land within the memory of every hon. Gentleman here. I asked the House whether they thought it consistent with justice—there being a great surplus of revenue—that all these new charges which were laid upon the land should be continued—and whether we might not relieve the land to that extent from these burdens, these taxes being for public purposes, without interfering with the system of local government and local distribution? I pointed out to the House the fact that of late years a vast number of taxes were thrown upon the poor-rate. For instance, if an elector was to be registered, the expenses were to be placed upon the poor-rate; and if a child was to be vaccinated, the poor-rate was to be burdened with the cost. There was a variety of these charges thrown, for convenience of levy, upon the poor-rate, and yet not connected with the local relief of the poor. I have before me those several charges, all placed upon the poor-rate, without any reason why this rate, more than any other tax, should defray them. I asked whether it was not a favourable opportunity for the House to take the whole question of these burdens—the injustice of which was now acknowledged—into their consideration. I asked the House whether the surplus revenue should not be so disposed of as to prevent the agricultural interest being the only sufferer—whether it was not a happy opportunity for the House performing an act of public justice, and for the Ministry to show their sympathy for this suffering class. You know the result of that proposition. I do not, however, look back with regret at the discussion that then took place. I may say, without vanity, that the proposition was temperately conceived, because it was sanctioned by the approbation of a very large party in this House. Well, now I ask the House again to consider the position of the land in reference to local taxation. It is an enormous injustice that one species of property alone should pay 13,000,000*l.* of taxation, which should be paid by all. But in our position the grievance is much more aggravated when we remember that out of the 13,000,000*l.* by even the calculations of our opponents, the land pays between 7,000,000*l.* and 8,000,000*l.* It is not necessary for me to enter into all the varieties of our local taxation; I will allude for illustration only to that discussion on a very limited portion of them which is fresh in the recollection of the House. Since that debate, the question has greatly advanced. Originally I had to discuss the abstract justice of making every class pay equally for the poor-rate. So little advanced was the opinion of the House then, that it was not willing to recognise the principle that the support of the poor was a general obligation. But since last year the question has much advanced. An organ of the Government has given their sentiments on the whole subject before a Select Committee of the House of Lords appointed to consider the laws relating to parochial assessments. It has been justly considered of such importance that the evidence of the Secretary of the Treasury has been printed as an official pamphlet. Now this is the case of the Government, and I acknowledge that they could not have entrusted their case to one more competent to state it. The hon. Member for Herefordshire (Mr. C. Lewis) has brought to this question all that power of thought that distinguishes him in all his pursuits, and that talent for investigation by which he is so pre-eminently marked. And what is the acknowledgment of this Gentleman? He has given up the whole question. He acknowledges that, in regard to the general policy of imposing a local rate exclusively on one particular species of property, it is most unjust. I will read his evidence:—

> "With regard to the general policy of imposing a local rate exclusively upon one class of property, I am quite prepared to accede to a proposition which is laid down in a letter upon the transfer of local burdens written by a noble Lord, a Member of this Committee, which has recently come under my observation. These are the words to which I refer:—'The virtue of the law of Elizabeth once admitted, it must be difficult for a man to affirm that any peculiar description of property should, by any vested or inherent privilege, be exempt from paying its proportionate quota to the maintenance of the poor.' I am quite prepared to admit that, unless it can be shown that, unless there is some special reason in favour of a local tax, limited to real property, it is more fair and equitable to defray the expenditure out of a national tax, which should comprehend all species of property. It seems to me that, whenever any expenditure whatever is proposed, the presumption is in favour of making it a national charge, paid out of the national Exchequer, and that an exception can only be made from that general rule, on account of special circumstances arising in the particular case."

And again—

> "I have already ventured to state to the Committee my opinion, that whenever there is a question of defraying any particular charge, the presumption is always in favour of making it a national charge, to be defrayed out of the national Exchequer."

One more passage—

> "You state that you are of opinion, looking merely to the justice and equity of the considera-

tions, that it would be more proper to raise the funds for the maintenance of the poor by means of a national tax than by local taxation; but that the practical difficulty of doing so, constitutes in your mind, the only, though a very formidable objection?—Yes."

This evidence of Mr. C. Lewis may be described as the case of the Government on this important subject of local taxation. With that ability and depth of investigation which always distinguishes this Gentleman, he has arrived at the truth which was scarcely tolerated two years ago—that truth that is now not only recognised in this House, but in the country generally. The basis of the extraordinary and unequal system of local taxation which prevails in this country has been the industry of the land, which the Government knew it could safely appeal to, because the law hitherto secured that industry a market. I am reminded, by the point to which I have now arrived in this discussion, of a charge which to a certain degree may be deemed a local tax, though it has hitherto been considered in a less limited light. I could have wished to treat this part of the subject at some length, but time forbids me. I allude to the subject of tithe. I have recalled to the recollection of the House the inquiry made by Lord George Bentinck, in 1846, as to the effect of the commutation of tithes in the event of a fall of prices in agricultural produce. I need not remind the House that the fall in price is much greater than was assumed by that eminent man. The probable result of the change of the law, as conjectured by Lord George Bentinck, would be to reduce the price of the quarter of wheat to 45*s*. It is, however, now reduced so low as 37*s*. Let me first remind the House of the consequence of this fall of price upon the cultivators of the soil as regards the tithe commutation. The tithe rent-charge calculated for this year 1851 is 96*l*. 11*s*. 5*d*. for the 100*l*., according to the prices of the three crops, ending in the year 1850. The 96*l*. 11*s*. 5*d*. is the rate at which the farmer pays. He receives only 73*l*. 2*s*. 11*d*. The difference at this moment to the farmer is 23*l*. 8*s*. 6*d*. on the 100*l*., and to realise that sum he absolutely has to sell at this price 12 quarters of wheat. Between the tithe charge commuted according to the rate of that law, and the present prices of agricultural produce—and I see no prospect of their rising—the farmer has to pay a forfeit of 12 quarters of wheat. That, the House will recollect, is the effect of the tithe commutation. But I am not going to dwell on that point. The effect of the tithe commutation is, though grievous, transient. But I must remind the House that totally irrespective of the commutation, the effect of tithes upon the owners and occupiers of the soil has been held by a most eminent political economist—a man whose authority has influenced our legislation in the repeal of the corn laws—has been held at a rate of not less than 5 per cent. I am going to read a passage from the work on taxation by Mr. M'Culloch: with all respect to that distinguished writer, I may say, not on account of the merits of the passage, but for other reasons. Mr. M'Culloch, who was a free-trader long before many hon. Gentlemen opposite were free-traders, has written with considerable ability on all subjects of economy, and is particularly happy in a talent for summing up evidence on any economical question. He was a pupil of Mr. Ricardo, who was a great and original thinker, and once an ornament of this House, and whose untimely end, with that of Mr. Horner and Mr. Huskisson, furnishes a dark page in the illustrious annals of the House of Commons. I mention these circumstances that the House may recollect that these are the opinions of Mr. Ricardo and his pupil previous to the repeal of the corn laws, as to the effect of tithe, and then I will quote you what was their contemplation of the consequence of that repeal in this respect upon the owners and occupiers of land. I hope the House will grant me its indulgence. This is a sort of subject which, unless it be discussed at some length, will not be satisfactory to our friends out of doors, and therefore I trust the House will grant me more than usual indulgence. Mr. M'Culloch, in 1845, echoing the principles of that great man Mr. Ricardo, thus wrote on tithe:—

"No branch of manufacturing or commercial industry is subject to a tax at all similar or equivalent to tithe. We have already seen that under the existing regulations, it operates partly to increase prices, and partly to raise the rents of the untithed lands; and we have further seen, that under a system of free trade without duties, the present incidence of tithe would be completely changed; and that it would no longer raise either prices or rents, but would fall wholly on the landlords and occupiers. But we are not to attempt to bring about what is believed to be a great national improvement, by shifting the burden borne by the public to a peculiar class. This would be flagrant injustice, to be vindicated only by the most overwhelming necessity. Luckily, however, we have not to deal with any such unreasoning principle; and hence the obligation, in the event of the ports being opened, of imposing a duty on foreign corn sufficient to countervail the tithe."

And he then shortly after proceeds—

> "When the commutation is completed, the fixed and invariable corn rent that will then be laid on the land, will be a novel and strongly marked feature in the economical condition of the kingdom. Had tithe been commuted a century, or even half a century since, it would have been a very different matter. But, considering the very advanced and peculiar state of the country at the era of the commutation, and the fact that our average prices have been for many years considerably above those of the contiguous continental States, it is pretty evident that the fixed rent due to the tithe-owners may easily come to have a very serious operation on the interests of agriculture, and consequently on those of the public. We have every confidence in the national resources, and in the elasticity and buoyancy of the national industry. But we are not, on that account, to shut our eyes to possible contingencies. And, at all events, the fact of the land being burdened with a fixed corn-rent, ascertained when cultivation was far advanced, is far too momentous to be forgotten or overlooked in dealing with restrictions on importation."

These were the opinions of Mr. M'Culloch in 1845, himself most favourable to the removal of restrictions on importation, opposed to the corn laws, and most sincerely, but viewing the question like a man of sense, who feels that no political arrangement which is not founded on justice can last. Since Mr. M'Culloch wrote that, he has published a new edition of the *Wealth of Nations*, by Dr. Smith, and in his appendix to that edition he has written a treatise on tithe. The question was viewed then by Mr. M'Culloch with all the advantage of experience, and at the same time with every preconception and prejudice in favour of emancipated commerce, and with feelings on the subject of the corn laws which he had pronounced in a most uncompromising manner in years when very few Gentlemen opposite had adopted them; and what is the conclusion at which, in 1850, for the edition was printed last year, Mr. M'Culloch had arrived? Thus he concludes his new treatise on tithe. Deriding then when he wrote, which probably was in 1849, the possibility—for he has always been of the school of the Chancellor of the Exchequer, and always expects prices to rise—deriding even then the possibility of any fall in agricultural produce below 46*s*., thus he terminates his treatise:—"We do not, however, think there is much chance of these unfavourable anticipations being realised," the anticipations being the present prices; "but if they should," says this pupil of

Ricardo, this great authority, "either the commutation charge may be reduced, or an adequate countervailing duty may be laid on foreign corn." Mind, that is not my proposition; I am not making any proposition. What I am doing at present is showing you that the only way in which you can account for the present agricultural distress is that the agriculturist is overweighted, and has to contend against a mass of taxation, straining his energies and taxing his resources, to which no other producer in England is liable—that he has not only to bear his quota of the general mass of taxation, but that your financial and fiscal system, originating under quite different circumstances, lays upon his back, least qualified to endure them, burdens which other classes do not share. But it is often said by those who are of opinion that the land of England is, perhaps, subject to severe taxation, and who may not have taken that general view to which I have wished to gain the attention of the House—"It is very true; there is something in what you say; it cannot be denied that nearly one-half of our Customs' duties are raised by restricting or prohibiting agricultural industry; it cannot be denied that two-thirds of our inland revenue is raised by immense imposts on agricultural productions; it cannot be denied that seven-twelfths of the local revenue are paid by direct contributions from agricultural purses; but then the land has exemptions, or least we think it has;" and, generally speaking, the enormous injustice which I have sketched to-night is palliated by statements of that kind. I am going to meet them, not as an advocate, but as one anxious to arrive at the truth; and the principal and sole object of this Motion is to terminate those controversies which, I think, have injured the public spirit of this country. I am going to see what justice there is in that allegation; and if there be exemptions enjoyed by the land, I will not attempt to disguise or to palliate them; and as my statement depends entirely on facts and arguments, and not on sentiment, it is open to all hon. Gentlemen opposite who condescend to listen to me to prove my statements erroneous, or demonstrate my conclusions to be fallacious. The case of agricultural exemptions brings us to another branch of our system of revenue, namely, the stamp duties. In agricultural discussions this is the usual course. The probate and legacy duties are left out, and the agriculturist throws the stamps on conveyances at the head of the free-trader, who is indignant at paying a large impost on personal property. I admit that under the present probate and legacy duties personal property pays more than real property. I even admit that the payment made by real property in stamps is not, perhaps, on the whole, a charge countervailing the excess paid by personalty. I wish to state the case with the utmost fairness, and I will make this admission at once. But I must observe that considerable error exists as to the incidence of the probate duty; and if Gentleman opposite will only investigate the subject of stamps as they bear on the two classes of property, they will arrive at a conclusion not so much adapted as they suppose to the opinions which they uphold on the subject of taxation. Remember this—and I make no statement which is not proved by evidence taken before Committees of this House—that at this moment, of legacy duty, in amount 1,200,000*l.* per annum, 500,000*l.* is paid directly by land; because, although Mr. Pitt did not carry his original Bill, which made real property subject to these taxes, he did subsequently contrive to pass a Bill which rendered all land sold under wills subject to these taxes; and by evidence before this House it appears that five-twelfths of the legacy duty is paid directly by land. Therefore, as far as the burden on land is concerned, that fact must be taken into consideration. But, remember this, all leasehold property, all ecclesiastical tenures, pay the legacy duty, and in the 700,000*l.* that remain, irrespective of the 500,000*l.* so largely contributed by freehold property, leaseholds and ecclesiastical tenures are included. But remember also, when we consider the incidence of these taxes upon land, that all the stock in trade of the farmers, the largest stock in trade in the kingdom, pays both legacy and probate duty. I think, therefore, when hon. Gentlemen take that view of the case, and when they add that which is paid directly by stamps on conveyances, they will find that the account does not stand so much in their favour as they imagine. I remember once on a somewhat similar occasion to this, the hon. Member for Orkney made a great point, as he thought, of the exemption from taxation enjoyed by the farmers in respect to his windows and his horses. But you must remember that the windows of the man who has a shop are also exempt from taxation; and I do not understand, therefore, why the farmhouse, which is the farmer's shop, should not be free. And when we remember that the machinery of the manufacturer is free, why should not the horse, which is the machine of the farmer, be also exempt? These are little points, but they require notice. But I could afford, when hon. Members talk of the exemptions from taxation enjoyed by land, to have omitted all these considerations, and to have admitted that the stamp duties, which I think I have shown some cause to consider not arranged peculiarly in our favour, were very much in favour of land; because I must remember, and recall to the recollection of the House, that all this time there is a considerable branch of the public revenue, which is not only raised, but which, to the amount of 2,000,000*l.* per annum—for such is its virtual amount—has been raised for a century and a half from land, and from land alone—and that is the land tax—a tax, by the by, which was not intended by its original projectors to apply only to land. And therefore when the exemptions of land are taken into consideration, I think, as I have stated the case, and I hope I have stated it in a spirit of impartiality, it may prove one which we shall not hear much more of. Sir, I have now gone through, with one great exception, almost every important feature of our financial system. I have reviewed the taxation of the country very imperfectly, from the greatness of the subject, and from my unwillingness to press too much on the patience of the House; but I have reviewed the taxation of the country generally with reference to its bearing upon the owners and occupiers of land—upon that important class of Her Majesty's subjects who are suffering difficulties, depression, distress, and who continue to suffer them, in a country where all classes, as we are informed by the Sovereign, are prosperous. I have shown you that, as regards your external revenue, nearly half is raised by the agency of the land; that two-thirds of your inland revenue is raised indirectly from the land; that seven-twelfths of your local revenue is raised directly from the land. I have shown you, examining your stamp laws, that those exemptions which have been so much talked of are in a great degree illusory, and that those who dwell on those exemptions forget that there is a peculiar tax on land alone which raises a sum of 2,000,000*l.* per annum. I am not surprised when I see all this that the owners and occupiers of land, in the present state of the law that regulates the importation of foreign agricultural produce, should be suffering difficulties. On the contrary, I am obliged to consider by what means it is that the present system is carried on, and what is the wonderful machinery by which a financial system, which is the creature of protection, and which protection alone could have upheld, should be still able to work in this country, when the whole system of protection has been swept away. That to a certain degree we may account for it by the inroads which may have been made upon accumulated capital, no man can deny who brings to the subject his impartial consideration. That classes may flourish when they are living upon the capital of a particular class, I think by no means wonderful. But I do not explain the great financial miracle which has occupied our attention merely by that hypothesis, because I see before me a gigantic and curious machine, by which we have been carried through years of unrestricted importation, restricted industry, and colossal imposts. We know well that a great financial instrument was brought into this House by an eminent Minister, whose pride it was to have introduced the new commercial system, the virtues of which I am not here to-night to challenge, but the advantages of which on the part of the owners and occupiers of land I wish to enjoy. We know what that wonderful financial instrument was—it was the property and income tax. "Remember," said Sir R. Peel to the Manchester school, "that in order to have your cotton free of duty, the land must consent to the imposition of a property tax." Generous and confiding land! And by that powerful and efficient instrument this remarkable system has been carried into operation, conducted in its course, and permitted to accomplish its results. And what was the consequence of the new fiscal law? The most curious thing is, that when I look to the returns of the property and income tax—this mighty and mystical sum that has produced these great results—I find that at least a moiety, and perhaps the greater part, has been levied on the owners and occupiers of land, those owners' rents being reduced, and those occupiers making no profits. Now that is your financial system! I have viewed it, with the exception of some petty points of general application—I have viewed it in its full scope, and considered all its bearings. I find in that financial system the cause of agricultural difficulties; and, if I am asked to cure them, my answer is brief. If you ask me what are my remedies for the difficulties of the owners and occupiers of land, as a Member for an English county whose industry is devoted only to the cultivation of the soil—as one who, however unworthy, and no one feels it more than myself—is on this occasion the organ of the opinions of my friends around me—I tell you what my remedy is. We require justice. We ask you not to prohibit or restrict our industry. We ask you not to levy from us direct taxes for public purposes to which very few other classes of the country contribute. We ask you not to throw upon us, according to your account the only class in the country which is in a state of prolonged distress, the burden of your system. That is what we ask. We think the system has produced the difficulties and distress. I say, at once, remove the enormous injustice under which we suffer; let us be fairly weighted in the race. We shrink not from the competition which you have thought fit to open to our energies; but do not let us enter into the struggle manacled. But I have another duty to perform in this House. Whatever my feelings may be for my own constituents, however clear their case, we are Members of Parliament besides being Members representing particular constituencies; and I have no hesitation in saying that, with these feelings, I am perfectly prepared to discuss these measures impartially, temperately, and calmly — the tendency of which, I believe to be to alleviate, and perhaps remove, these difficulties. But I must protest against its being supposed that if I enter into such a discussion fairly with the House, I am asking any special advantages for those owners and occupiers of land whom you have so long unjustly treated, and who at this moment are so grievously suffering. Enter with us into the discussion of those measures which we may think on the whole will tend most to bring about that political justice which ought to be the object of all statesmen. Try to propose such measures, and suggest those compromises of prudence and conciliation which the interests of all classes demand, and which, unless they are consonant with the interests of all classes, we do not for a moment expect. I would attempt it now, and I am prepared to do so; but that I must appeal again to that indulgence of the House which I fear I have already over-taxed. I am prepared to enter into this discussion on the clear understanding that in anything I say I am saying it generally as a Member of Parliament, and with a view to the common good, the only object being to procure as equal justice for all classes as is possible in an ancient society. I will then express without reserve my opinion that it would be most disastrous to the community if you should accord those claims which I believe, in the spirit of severe justice, the agricultural interest has a right to demand. I am perfectly aware that in a country like this, however we may adjust taxation, however anxious we may be to consult the interests of all classes, it is impossible to come to any arrangement in which, in my opinion, the greater amount of burden will not fall on the land. There have been several suggestions made in this House for the relief of the land, and I will very briefly, and of course much more briefly than its merits require, notice some of them. I will take the two remedies, somewhat vague in their expression, which have been principally counselled by the Gentlemen from Manchester. They have always laid it down as axioms, that what was wanted for the land was more labour and more capital. Employ more labour and more capital (they say), and you will be able to contend against the difficulties with which you have to struggle. Let me remind the House that for the four years during which the owners and occupiers of the soil have been counselled to employ more labour and more capital, there have existed on our Statute-book laws the very object of which was to restrict the employment of labour, and the distribution of capital. "Employ more labour," you say to the cultivator of the soil. Before you give him that advice, why did you not deal with the settlement laws? The Minister who repealed the corn laws felt the absolute necessity of meeting that question. He devolved the duty of considering it to a Member of his Cabinet, eminently qualified, perhaps above all men in this House, for the consideration of such a question. But, unfortunately, that great change in the imperial policy of England took place at a moment of precipitation and of hasty counsels, and was addressed to a House little inclined to consider a question of so difficult a character. The effort that was made by that Cabinet was not felicitous; but, in the haste and hurry in which every thing was prepared on that occasion, except the measures which repealed our protection, the Minister did produce a measure with respect to the law of settlement, and promised other measures of great importance with respect to the highways. But I ask the House, whether the partial and somewhat crude measure then produced by the Government of Sir R. Peel was a measure which at all contended with the difficulties and evils of the case? True, the President of the Poor Law Board told us the other night that he had a measure in preparation; but, if such a measure was necessary, it ought to have passed before the corn-law repeal. What the measure is I know not, for I have not yet seen it; but what I have seen of legislation on this subject is not encouraging. For five years we have had to bear the brunt of this; and the owners and occupiers of land were taunted with not employing more labour when you had an ancient code on the Statute-book, the object of which was to prevent the proprietor and occupier of land from employing labour, and forcing him to employ the least efficient. Then I am told we might employ more capital; and yet, in 1844, you passed a law in this House, the whole object of which was to restrict the employment of capital—the whole object of which was to restrict the distribution of capital in those channels which communicate with the cultivators of the soil. Employ more capital, they say; and, when the farmer goes to the country banker, the banker tells him, "the Bill of 1844 prevents me from assisting you." Well, we who attempt feebly to support this interest, in 1848 called the attention of the House to the consideration of this law. We showed you—and men second to none in authority on such subjects were of opinion—that the principle upon which that law was founded was fallacious. We showed you, to the best of our ability and conviction, that the opinions expressed respecting over issue, redundancy, and depreciation, were utterly erroneous, and not consistent with the existence of a really convertible paper currency. But what was our success? We could do nothing. You went about the country giving your advice to the farmers, and telling them that one of two remedies for their evils was the employment of more capital; while, in mockery, you passed a law which virtually has curtailed the distribution of capital in those very districts where capital is wanted. In my opinion, you ought to have prepared for this great change—the repeal of the corn laws—by placing the cultivator of the soil, and, of course, the owner of the soil, in a juster relation, not only with your financial, but with your banking and industrial laws. There is nothing more desirable than that you should bring capital to the land. That every one feels to be an object of great importance. But you forget you have laws of partnership in existence, which act as a barrier to laying out capital on land. The question of limited partnerships has engaged the attention of a Committee of this House. Great opinions have been given on the subject; and whether we should introduce the system of limited partnership, which exists on the Continent, has been the subject of discussion. You have against it, Lord Overstone, and in its favour, Lord Ashburton. My own feeling is, that in a country like England, where commercial capital is so abundant, it may be questionable whether you should change your law of partnership, whether you should introduce any violent change in the habits of commercial men; but it is quite clear, if you put the cultivator of the soil upon a fairer system as regards taxation with his fellow-subjects, so that there would not be an unwillingness to embark in the cultivation of the land, that a law of limited partnership, *en commandite*, as it is termed, so far as the cultivation of the soil is concerned, would be most beneficial. But have you attempted to do that? Did you, when you repealed the corn laws? Or when, year after year, on that bench you had been delivering opinions upon the fortunes of the agricultural world, which were always erroneous, have you ever given any consideration to the subject? Sir, it is not necessary for me to dwell but for a minute or two upon those plans which have been brought forward in this House for the relief of the land from local burdens. By favour of the House of Lords you have had placed upon your table a project for a national rate, which had been matured by a noble Lord, a Member of the other House of Parliament. There is no doubt that the subject is one which very much engages public attention, and I believe the scheme has acquired a great degree of public approbation. But has the Minister ever considered it? Has he even deigned to allow the subject of a national rate to form matter for consideration by the Cabinet? Observe, I am not giving my opinion in favour of a national rate; but no man can deny that it is a proposition of that importance, and, moreover, has so enlisted national sympathies, that it is at least worthy of consideration. Now, there are great objections to a national rate for the relief of the poor, but there is no objection so great as the enormous injustice of the landed interest paying in their present state of suffering more than their fair proportion of the poor-rate; and no fallacy is greater than that which is always brought forward by the Chancellor of the Exchequer, when he shows us that year after year house property has paid a greater proportion of poor-rate than it did, and that it now rivals and even exceeds the amount paid by the land. That as a measure of relief to the rural districts is perfectly fallacious. It is possible that in Lancashire house property may pay more than land on the average. The burthen of poor-rate on the land in Lancashire may be proportionately reduced; but that circumstance has not reduced the poor-rates in the county of Kent or Sussex. They feel the injustice the same. The injustice is as great, and the injury is as great, whatever may be the effect of an absorption of a portion of the local rate by house property in the north of England. Great as are the objections to a national rate, I think that many of them may be met with considerable success; but I shall not dwell upon them to-night. It would be an abuse of the patience of the House. I must repeat one observation however—that there is no objection to a national rate so great as the objection of making a limited class pay for that for which all classes ought to pay. It is quite unnecessary for me to speak of the measure which I brought before the House last year, because I believe I may say, that so far as the opinion of this House is concerned, it was in favour of that measure. No arguments, indeed, of any weight or amount were ever offered against it. It was not only recommended by justice, but it was not inconsistent even with the most selfish policy. Sir, it was said at that time, that if the amount of relief which I then proposed, and which I think would have taken off something like 2,000,000*l.* from real property, and of that about 1,500,000*l.* from land, because it was part of that project that 500,000*l.* should be taken off our suffering fellow-subjects in Ireland, who, from the action of their poor-law, were peculiarly entitled to relief—it was then said that by throwing that amount upon the Consolidated Fund, which was my proposition, very little relief substantially could be given, inasmuch as the Consolidated Fund was, after all, to a great degree paid by those who were to be relieved from the poor-rate. I have always been aware of these objections to placing the remission of taxes upon the Consolidated Fund; but it is the best course to recommend in this House by an Opposition which urges a remission of taxation upon a principle of justice, because it is the most obvious and simple way for making all pay, instead of a particular class. And when all pay, then it is for them to settle if the burden be too great for them to bear. But it is the first step in a financial transition. That was the reason why I offered that suggestion to the House. There have been other suggestions made, by which that remission can be effected, and by which a peculiar class might be freed from a peculiar burden for a public purpose, without increasing the burdens of the community. It has been proposed that we should supply a sufficiency of revenue by the plan suggested by Mr. M'Culloch in the passage which I read to you, namely, by a fixed duty on corn. Now, I have this objection to discussing the proposition of a fixed duty upon corn. My views, and the views of my friends, are very liable to be misrepresented upon the subject. I say again, that as far as I am concerned as an agricultural Member, and speaking for those who represent generally agricultural constituencies, we want nothing more than justice. We cannot admit for one moment that a fixed duty, or a countervailing duty, upon corn is an arrangement in favour of the agricultural interest. It is a financial or a political arrangement, which, as Members of Parliament, as Ministers, and as Statesmen, upon a balance of circumstances, we may think upon the whole would or would not make what was once called the "best bargain" for the community. The other night the noble Lord got up, and with a sorrowful expression of countenance, as if he acknowledged in his conscience and to his conviction that the land was unjustly treated, and that something ought to be done for it—knowing that the great weight of taxation falls unjustly upon the land, and that the weight of local taxation was iniquitous, the noble Lord got up, and, shrugging his shoulders, said, "What can I do? I do not know that a *5s.* duty would do anything for the farmers." Why, the farmers do not want your *5s.* duty, or an *8s.* duty, or even a *10s.* duty. Ascertain, if you think fit, and to the best of your judgment, what the community owe to a particular class whom they cannot pay. If it be your opinion and your proposition, that a *5s.*, an *8s.*, or a *10s.* duty is on the whole a reasonable compensation for their undue share of the public burdens, induce them if you can to accept that compensation, by which, like all settlements of that kind, the person who is to receive it will probably receive only one-half his due. But that is a question for us to consider as Members of Parliament, representing the community. In the name of the agricultural interest, I solemnly protest against considering such a proposition as an arrangement for the advantage of that interest. The argument in favour of a fixed duty upon corn has been brought before the House with great ability as a mere financial exercitation, if I may say so, by my right hon. Friend near me. He stated the theory upon which a fixed duty was supposed not to increase the price to the consumer. He stated that it was in the nature of things that the producer in foreign countries would endeavour to adjust his supply to the demand, and not allow the British speculator to take all the profits. But it so happened that at the period when he called the attention of the House to the subject, circumstances had occurred which remarkably illustrated that theory; for it did appear that in the year 1848, in the month of January and the month of February, there was no duty upon foreign corn, and in the month of March and the subsequent month there was a duty of *7s.* or *8s.*, and that imports and prices remained the same. The average price in January and February, 1848, was *50s. 2d.*; from March to December, with a duty of *7s.* or *8s.*, only *51s. 9d.*, and in February with a duty of *1s.* the price remained the same. Now, I say that these are phenomena to which I cannot shut my eyes. They are phenomena upon which any Gentleman who has considered the subject has a right to give his opinion; and if I give my opinion, which I do most sincerely, that a moderate fixed duty would not raise the price to the consumer, I wish perfectly to guard myself from being supposed to suggest it as any favour to the agricultural interest. You must meet this question influenced by various considerations. As statesmen and as Members of this House, you have to consider how you can do justice amongst all classes of the Queen's subjects, and yet at the same time prevent any violent changes in the financial system of the country. That is what you have to consider. We, I need not say, represent a class who can bear a great deal. I am told sometimes, "Why do the landed proprietors and the farmers come to this House for relief? No other trade comes to the House of Commons when they are suffering." Why, what property, what industry, does the House of Commons interfere with as it interferes with the property and the industry of the owners and occupiers of the soil? Let me find a revenue raised in this country with regard to articles of manufacturing production as it is raised in this country with regard to articles of agricultural production. Let me see applied to some articles of great importance and of general use—the produce of your manufactures—the same laws which you apply to tobacco and malt, and should I not then find you coming here to this House with your complaints? What petitions, what speeches, what Motions, and what leagues, until the public mind of England had been brought fully to comprehend the enormity of the injustice inflicted upon you! Suppose we passed a law that all stockings should come from abroad free of duty, and that the domestic manufacture should pay a duty of 1,200 per cent—what would the manufacturers say to that? Yet this is only a parallel case to that of the owners and occupiers of the soil? Then, although the noble Lord will remember what his eminent predecessor Sir Robert Walpole once said of the landed gentry in this House with respect to their endurance of taxation; I am told that it is very strange that, in a house of landed proprietors, the land should be so burdened, and that the fiscal system should bear so hard upon the land—a specious and yet a superficial observation! True it is, that from circumstances, mainly from our territorial constitution, the great body of Members of Parliament were for a considerable time landed proprietors; but owing to that happy Government by parties to which we owe so much of our public freedom and public spirit, these landed proprietors were always divided into two hostile camps, and the commercial interest, though once not over strong, still existed in this House, and at times produced even in distant reigns very considerable persons. Therefore there was always a great body of landed proprietors perfectly prepared to support the interests of commerce. Whether they did efficiently and wisely support the interests of commerce is another thing; but this I know, that the merchants of England believed they did; the merchants and manufacturers of England believed that Sir Robert Walpole and Mr. Pitt were Ministers who had a strong bias in favour of trade, commerce, and navigation; and our Statute-book is loaded with the laws—perhaps not overwise—which were passed at the instigation of those persons. I say that, not to create any acrimonious feeling, I have no wish that any law should pass this House—I have no wish, with reference to the agricultural interest, that any law should pass this House which is not consistent with the welfare of all classes of Her Majesty's subjects. But in the midst of the welfare of all classes, I cannot consent that the welfare of the owners and occupiers of the land should be overlooked. I am convinced that if this system goes on we shall reach a point where the resources of this class will no longer be able to bear the strain upon them, and that the effects resulting to all other classes will be such as are to be greatly deprecated. I believe that if you continue in this course, it is not merely the owners and occupiers of the land that will be sacrificed, but that others will share their fate. But why, I ask, should the owners and occupiers of land be sacrificed, if their injury is the consequence of unjust legislation? Consider, therefore, in a temperate and conciliatory spirit, those suggestions which, I confess at much too great a length, I have now made to you. Remember that they are made on behalf of a suffering class, and especially of the farmers of England, for whom I principally speak—men who in the course of these great changes, and under circumstances of great trial, have, I think, shown great virtues. Consider the question in a spirit of equity. I do not ask you to-night to give a vote upon any specific measure. I should be most unwise—I should be acting not with fairness towards the House upon so great a question—if I were to ask you to give a vote specifically. It is not my duty to propose that you should give a specific vote. [*Here some remark was made by an hon. Member, which was not heard in the gallery.*] I remember—the interruption of the hon. Gentleman reminds me of the words of a great writer, who said that "Grace was beauty in action." Sir, I say that justice is truth in action. Truth should animate an opposition, and I hope it does animate this opposition. But truth in action is the office of a Minister, and I would exact it from the noble Lord. Not, Sir, in any hostile spirit. I have always wished that this question should be settled by the noble Lord, by the Minister of the day—by a Minister who, on account of his position, can never look with an adverse feeling to the land of the country. I say again, that I do not think it right in me to bring forward a specific measure; but I have a right to ask you to come to a specific conclusion. I have a right to ask you to declare, by your vote, that those suggestions which have of late years been made in Parliament, and to which I have glanced—that those methods for remedying the evils, and bringing about a fair adjustment, are worthy of consideration. I have a right to ask you that you should express a strong opinion that it is the duty of Government to consider those measures, and to adopt those measures, if they cannot devise others less objectionable which will achieve the same result. That is what I say. I do not ask you to pledge yourselves to any fixed duties, or countervailing duties, or shifting of burdens, or changing the law of settlement, or amending the laws of partnership. They are all of them great and important questions, and well worthy of the attention and consideration of the House of Commons. Sufficient information exists upon all these subjects for a Minister to act. All I say is, declare to-night that in this respect a Minister shall act, that the Minister who has year after year acknowledged these complaints and difficulties, and who himself, by his tone, would seem to imply that he has in his heart recognised the injustice which the land and the landed classes are enduring, shall act. I ask you to-night to declare, in a manner which cannot be misunderstood, that it is intolerable that in a state of general prosperity a suffering class should exist—suffering from unjust legislation; and that it is the duty of the Administration of this country to bring forward measures that may terminate a state of affairs so much to be deprecated. Sir, as I said before, I wish the noble Lord to undertake this office. I am altogether innocent of mixing up this question with the passions of party politics. The speeches I have made in this House are not speeches which are adapted to please thoughtless societies out of doors, or meetings which are often held in the country, at which my name is mentioned as one who does not do sufficient justice to the sufferings of those who complain. Sir, I pardon all these inuendoes. I can make allowance for the strong feelings of worthy men placed in the trying circumstances in which the farmers of the united kingdom are now labouring. But, right or wrong, of this I am convinced, that the course which I have taken with respect to their interests has been the result of long thought and careful observation, and that I have asked for nothing for them which justice does not authorise, and policy recommend. If I make no further appeal to the noble Lord, it is from no hostile feeling that I decline doing so; but because I have appealed twice in vain. I now appeal to the House of Commons, though it is called a free-trade House of Commons, and may be a free-trade House of Commons; but I appeal with confidence, because I have confidence in the cause which I advocate, and confidence in the fair spirit which I believe animates their bosoms. They have now an opportunity which ought not to be lightly treated—a golden occasion which, in my mind, will not easily find a parallel in the records of any Parliament of England. They may perform a great office, and fulfil an august duty. They may step in and do that which the Minister shrings from doing—terminate the bitter controversy of years. They may bring back that which my Lord Clarendon called "the old good nature of the people of England." They may terminate this unhappy quarrel between town and country. They may build up again the fortunes of the land of England—that land to which we owe so much of our power and our freedom, that land which has achieved the union of those two qualities for combining which a Roman emperor was deified—*Imperium et Libertas.* And all this, too, not by favour, not by privilege, not by sectarian arrangements, not by class legislation; but by asserting the principles of political justice, and obeying the dictates of of social equity.

Motion made, and Question proposed—

"That the severe distress which continues to exist in the United Kingdom, among that important class of Her Majesty's subjects the Owners and Occupiers of Land, and which is justly lamented in Her Majesty's Speech, renders it the duty of Her Majesty's Ministers to introduce, without delay, such measures as may be most effectual for the relief thereof."

The CHANCELLOR OF THE EXCHEQUER: Sir, I need hardly assure the hon. Gentleman and the House, that I will implicitly abide by one recommendation of the hon. Gentleman, and will come to the consideration of this question in a claim and temperate spirit. I think I may say, in.

deed, that I did not need this advice, for I am not aware that I have departed from that rule upon any previous occasion; and if, by a calm and temperate discussion, the question is to be decided, I, for one, have no fear that the same result will attend the present Motion which has hitherto attended the former debates upon this question, in which the House concurred in rejecting the resolutions proposed by the hon. Member. I may remark, that there is a considerable difference in the tenour of the hon. Gentleman's speech upon the present, contrasted with former, occasions. I have heard him bring forward some clear and definite proposals upon former occasions, when demanding relief for the agricultural interest; but in the proposals he has now made, he does not call upon the House to express any opinion upon any subject which may be supposed to affect that interest. He has mentioned, indeed, several important questions—general taxation, local burdens, a national rate in connexion with the settlement of the poor, the Banking Act of 1844: there is not one subject that has been discussed in connexion with the agricultural interest for the last five years that the hon. Gentleman has not thrown into the hotch-potch of the speech that he has just made, and yet he leaves the House altogether in ignorance of what his views or his wishes are upon any of them, and does not point even at any definite conclusion on the subject. I do not know with what favour the speech may be received by hon. Gentlemen opposite, for the hon. Member has avoided going into much that he formerly entered upon; but I am at a loss to conceive what benefit he aims at for the agricultural interest, in the vague statements which he has addressed to the House. I must remind the House that on Friday I shall make a statement of the financial measures of the Session, and that I cannot anticipate that discussion to-night. I must, therefore, deal with the question to-night on general grounds, and must not be understood as implying any opinion relative to the measures I may have to propose to the House on Friday. The hon. Gentleman began his preliminary observations by accusing me of having misled the House on former occasions. The first occasion upon which I had to meet the hon. Gentleman upon a Motion of this kind was in 1849. What was the state of the case then? Why, the hon. Gentleman asserted not only that the agricultural interest, but that the whole community, were in a state of absolute distress or ruin—that, in the marts of commerce, as well as in the fields of the agriculturist, one overwhelming distress prevailed. What was my answer to the hon. Gentleman? I proved that, so far as commerce and manufactures were concerned, the hon. Gentleman's assertions were contrary to the fact, and that his statements of agricultural distress were not a little exaggerated, and were, at any rate, quite premature. I stated that the average price of corn in 1847 was 69*s.* 9*d.*, and in 1848 50*s.* 6*d.*; and this being about the same price as in 1846, 1845, and 1844, that it was impossible that, early in 1849, when the hon. Gentleman addressed the House, after a year of such extraordinary prices as those of 1847, the agricultural interest could be ruined by the state of affairs that had prevailed for one year only. Before the free admission of corn took place, the hon. Gentleman asserted that the agriculturists were ruined by a price not lower than had prevailed for the two or three years previous to 1847, in which year the price was near 70*s.* per quarter. The hon. Gentleman's statement of the ruin of the agriculturists, I contended, must be premature. I find also on reference to what I have said in answer to the hon. Gentleman's proof of distress arising from the low price of meat, that I also showed at the same time that the price of meat for the year 1848 was higher than in the year 1844, when no such distress was alleged to exist. I see no reason now for doubting that the grounds upon which I resisted the hon. Gentleman's Motion in the first year in which he brought it before Parliament were sound and good; and, the House concurring with me in the view I took, the hon. Gentleman's Motion was rejected by a large majority. Now, Sir, I never supposed that such a change could take place as must necessarily follow the withdrawal of legislative protection from any branch of industry without some difficulty, some pressure, and some distress. I never attempted to conceal that from myself or from the House. I knew of no trade or branch of industry that had ever relied on the crutches of protection, when they had these crutches knocked away, that did not for a time feel distress and difficulty. But I believe of agriculture as of other branches of industry from which protection is withdrawn, that before long it will revive and stand upon a firmer foundation than before. I trust I may add, that, whenever this question has been mooted, I have laid before the House that which I believe to be the truth, and the grounds upon which

I have arrived at the opinions I have expressed. And so long as I hold a seat in this House, and more especially the position I have the honour to fill, I shall always feel it to be my duty to lay before the House that which I believe to be the real state of the case. I must remark too here, that no one could foresee either the precise time or extent of the probable pressure upon the agricultural interest, because this depends upon the seasons affecting the harvest; and unless we could know what the harvest will be in any given year, it is obviously impossible to tell the character of agricultural prospects. The well-being of that interest also depends upon the state of the trade and commerce of the country, and the prosperity of the great marts of industry. It is a most fortunate circumstance for the agricultural interest that the state of manufactures has been so good for the last three or four years, and that the demand for agricultural produce has consequently been so great that there has been a consumption of it perfectly unparalleled in this country. I was not in the House last year when the hon. Gentleman brought forward his Motion, and therefore I am acquitted by the hon. Gentleman of predicting a probable rise of prices, for which, in his opinion, there was no sufficient ground. But the hon. Gentleman has referred to a statement made by the Marquess of Lansdowne last year, who anticipated a diminished supply of foreign grain, and a consequent rise in the price of home-grown corn. Well, was it without ground that the noble Marquess made that statement? If the hon. Member will refer to the return which is on the table, he will find that during the six months ending April 5, 1850, the importation of wheat and flour was less by one half in those six months than in the six months ending April 5, 1849. Was it, then, so extraordinary a supposition, when the importations had diminished one half during those six months, that such a decrease indicated a falling-off in the supply of foreign corn? But when the hon. Gentleman charges the noble Marquess with taking a view entirely to mislead the House by the statement at the time, let me remind hon. Gentlemen opposite that in anticipating a large supply they were equally mistaken in the source from which that supply would come. I have heard hon. Gentlemen prophesy inundations of foreign corn; but the source to which they invariably looked was the United States of America, whence, we were told, it could be imported to a profit at 35*s*. and 36*s*. a quarter. Now, it is a most remarkable circumstance, and shows the anomalous and exceptional state of things which has recently prevailed, that in no one case has any largely increased supply of corn come from those sources concerning which the greatest alarm was expressed, and that all the additional supplies have come from countries to which no one looked as sources of supply. This proves that not only those who were confident, but those who were alarmed, were utterly mistaken as to the probable supply of corn; and it proves this rather that the state of things, the existence of which was probably not thought of, is exceptional, when we find that those countries from which large supplies have been obtained have been converted from importing into exporting countries — when for six or seven years ending in 1845, before the famine prices of 1846, in France, Holland, and Belgium the lowest average prices have been 45*s*., 47*s*., and 48*s*. It does prove that an exceptional state of things prevails which allows France to export largely, and yet that the agricultural distress which is alleged to prevail in this country, owing to the importation of grain from France, prevails to the same extent in that country, which has had the benefit of exportation to England. Now, I think this is a matter of some little importance to consider, because it shows that there is something more than a mere importation of foreign corn which is affecting prices, when the same consequence is produced both in the exporting and importing countries. The price of corn in March last in France was lower than ever it was for the preceding 30 years, and at this moment it is very nearly as low as in March. Now, the importation into this country from France in 1849 was 740,000 quarters; in 1850, it has been about 1,100,000. But what is the state of distress amongst the agriculturists in France at this moment with the advantage of that exportation? I will read a short extract from a French newspaper published about a fortnight ago, as to the state of distress in France:—

> "The deplorable crisis which is pressing upon our agriculture, and which spreads in our country districts discomfort and misery, is far from being ended. The depreciation of the price of corn continues. Agriculture will be severely pressed by this new depreciation, which proves that a superabundant harvest may be a real evil, for it tends to divert more and more from agriculture that capital which will be more necessary

> for it than ever. Manufacturing industry has been able, in part, to repair its losses. Agriculture alone has, for the last three years, been subject to the greatest suffering, and it has seen the price of its produce continually falling, without any prospect, at present, of a term to such severe trials."

Nobody can deny that if a country enjoying at this moment an absolute prohibition of foreign corn, with the benefit of a large exportation to this country, is in such a state of distress as is here described, it does prove that there, at least, and probably here too, there is something more than can be attributed to an importation of corn. I believe that the solution will be that there was a very large crop of corn in 1849, and that the price at this moment is greatly affected by the bad quality of the corn of that harvest; for, as was said by an hon. Member the other day, in Suffolk they obtained, on threshing out their corn, only about one-half of the expected produce, and much even of this was not in a state fit to come to market. I think, therefore, I have shown sufficient grounds for saying that the present state of the corn market is not one that, in ordinary times, could have been expected. But I would beg simply to say that, so far as regards myself, I have never held up any expectation that the prices would be high. I have never expressed any wish that they should. On the contrary, I said I believed it was essentially for the interest of the great body of the people of this country that for all classes employed in industry, the price of bread and meat should be cheap; and I said in the debate of last year on the Motion of my hon. Friend the Member for West Gloucestershire, that in my opinion that which was due, wise, just, and expedient was that the people of this country should have their meat and bread as cheap as the world could produce them. As to another item to which the hon. Member for Buckinghamshire referred—namely, the price of meat, I believe it is utterly impossible to attribute it to the importation of foreign cattle. It is perfectly true that the importation of cattle and sheep has increased in 1850 above 1849; but that has been much more than compensated by a corresponding falling-off in the quantity of imported provisions. That falling-off was far more than to counterbalance the increase of 6,000 oxen and 11,000 sheep, which, I believe, is the extent of increased importation in the last year of live cattle; and if the amount of our consumption has increased, it must have been supplied by an increase in the quantity of our home produce; for as the increase in the importation of living foreign cattle was less than the decrease of the importation of foreign provisions, there is no other source from which the increase in our home consumption could have been supplied. Now, the weekly average of beasts and sheep brought to Newcastle market for the last four years has been this—in 1846, the number of beasts was 450; in 1847, the same; in 1848, 570; and in 1849, 620. The sheep have increased in the same proportion: in 1846, the number was 4,061; in 1847, 4,670; in 1848, 4,770; and in 1849, 5,189. I believe that no foreign cattle whatever were brought to the market in Newcastle. As to Glasgow, the fact was just as extraordinary. There was no foreign supply there. The number of oxen slaughtered in 1848 was 19,788; in 1849, 22,882; and in 1850, 26,200. Of sheep the number was, in 1841, 69,290; in 1849, 82,680; and, in 1850, 96,104. It is impossible to believe but that the increased consumption must tend most beneficially to agriculture, and especially when the demand has apparently increased in all our great manufacturing towns. I do not see how it is possible not to expect, with the improvements in agriculture, with the extension of drainage, with the feeding on turnips, that a much larger quantity of cattle will be produced at a cheaper rate; and that such must already have been the result is clear, because in no other way can we account for the increased supply except by the increased production of cattle and sheep in this country. The hon. Gentleman has not dilated much on the sufferings of the agricultural labourers, though he endeavoured to change the ground of debate, in terms though not in reality, from the difficulties in which owners and occupiers of land are stated to be suffering in the Speech from the Throne, and substituted for that the general distress of the agricultural body. In that was generally included the working agricultural population; but the hon. Gentleman professed entirely to exclude that subject from our consideration. He said he would deal only with the owners and occupiers of land. He said he was perfectly aware we could quote returns from the Poor Law Board, which would show a great diminution in the amount of poor-law relief and of the burdens of the country; and I think he will not deny that they would be evidence of the improved state of the working classes of the agricultural population. But, although it might be very well of the hon. Gentleman to ignore that great and important fact, I am not disposed to pass it by, and consider it as a matter of utter insignificance. I remember, and my memory is refreshed by referring to the speech made by the noble Lord the Member for West Sussex in the debate in 1849, in which that noble Lord distinctly appealed to the state of agricultural labour as the point on which the whole question turned: he disclaimed it as being a question in which landlords were interested, and rested it altogether on the condition of the labourer. The hon. Gentleman has now brought forward this question with an anxiety to omit that subject, because every argument and prophecy brought forward by hon. Gentlemen advocating those views have been signally falsified. I do not say there may not be some parishes or unions in which this improvement has not taken place; but I assert broadly, and without fear of contradiction, that the agricultural labourer throughout England never in the memory of man was so prosperous as at this moment; and even where a reduction of wages has taken place, it has not been commensurate with the advantage the labourer has derived from the reduction in the price of his food and necessary luxuries of life. I saw the other day that a gentleman well known to us all, and who, I believe, is chairman of a Protection Society, and makes speeches on the subject at different places in the country—I allude to Mr. G. F. Young—said in the autumn of last year that he was ready to admit the truth of the remark that the large mass of the people were now enjoying an extraordinary degree of material prosperity. He also observed, that since the repeal of the corn laws wages were, to some extent, reduced, but not to an amount equivalent to the reduction in the price of articles of food. I set great store by this admission of the hon. Gentleman, as being chairman or vice-chairman of the great Protection Society. I take him as an authority on this subject. We contended that it would be so, but it was denied by the other side. Now, their great champion admits that to be a fact, which we believed and hoped would be so. I will state what the reduction has been, both in the expense and the number of persons relieved under the poor-law. In the year ending Lady-day last, as compared with that ending Lady-day, 1849, there was a diminution in the expense of not less than 397,000*l*. In the year ending Michaelmas last, as compared with that ending Michaelmas, 1849, the reduction was 405,000*l*. But I know it may be said that that great boon in the saving of expense has been owing to the cheap price of food, and not to a diminution in the number of persons relieved. The diminution in the number, however, is greater in proportion than that of the expense. The numbers relieved in the year ending the 1st of January last year were 6 per cent less than the numbers relieved in the preceding year. But, taking the ablebodied poor, which is more important, as being a proof of the extent of employment, I find, by the returns laid before the House three or four days ago, that the number of ablebodied who received relief on the 1st of January, 1850, as compared with the number in the preceding year shows a diminution of 15 per cent; the number on the 1st of July, 1850, as compared with that on the 1st of July, 1849, shows a diminution of 15½ per cent; and if we compare the number relieved on the 1st of January, 1851, with that relieved on the 1st of January, 1849, there is a further reduction of 14½ per cent. It is impossible, then, to contend in the face of these facts that a great boon has not been conferred on the agricultural classes of this country by a reduction in the price of food, when both the cost of relief, and the numbers relieved, are so largely reduced. But there has been a similar improvement in Ireland, and considering the extent of suffering to which that country was subjected not a long time ago, that improvement has been very striking. The number of persons receiving outdoor relief in the year ending September, 1848, was 1,419,000, the number in the year ending September, 1849, was 1,210,000; but the number in the year ending September, 1850, was little more than one-fourth of that number—it was only 370,000. That is one of the most gratifying circumstances to which I am able to refer, and I am glad that the seeds of permanent improvement are sown in that country. I will now proceed to give, in illustration of the extent to which the labourer has been benefited by the reduction in the price of food, some details that have been furnished to me by a gentleman conversant with the northern districts of England, and the habits of the poor there. The highest wages of ordinary labour in those districts in the war time were 15*s.* per week; they are now 12*s.* per week. In the war time the price of the best quartern loaf there was 1*s.* 3*d.*; now it is 5*d.* Take a man, then, with his wife and three children, the average number of a family, and suppose them to consume 10 loaves per week; the price of these loaves at 1*s.* 3*d.*, would, at 15*s.* wages, leave him a surplus at the end of the week of only 2*s.* 6*d.*; whereas their price, at 5*d.*, would, with the reduced wages of 12*s.*, leave him a surplus of 7*s.* 10*d.* per week. Between 1800 and 1815 the average price of the quarter of flour was 85*s.*; but take the price at 80*s.*, which the corn law of 1815 professed to secure; now the price of the quarter of corn last year was about 40*s.*; the wages of the labourer being reduced from 15*s.* to 12*s.*, that is to say, one-fifth, it is obvious that the labourer would be as well off with the lower wages, were the price of the quantity of wheat reduced from 80*s.* to only 64*s.*; so that the difference between 64*s.* and 40*s.* is clear gain to the labourer in his consumption. Look, again, at the labourer, who is much worse paid, in the south of England, and suppose his 8*s.* per week to be reduced to 6*s.*; still, he with his reduced wages would be as well off as ever, with the 80*s.* per quarter fallen to 60*s.*, and he too, would, in like manner, with the labourer in the north, pocket the entire difference between the 60*s.* and the 40*s.* I think, then, I was justified in saying that the fall in the price of provisions had been far more than sufficient to compensate the labourers for any reduction of wages to which they have been subjected. Even had wages in this latter case fallen to 5*s.*, a great advantage would remain to the labourers from the difference in the cost of their food. Let me state the fall which has taken place in the price of some other articles of general consumption by the poor. I will not go back for my contrasts to such a remote period as the war—the favoured period of agricultural prosperity—but only to a year or two preceding the recent legislation on this subject—namely, to 1840. Between that year and the present time the price of the best wheaten flour has fallen from 3*s.* to 1*s.* 10*d.*; of seconds flour, from 2*s.* 10*d.* to 1*s.* 8*d.*; of oatmeal, from 2*s.* 4*d.* to 1*s.* 8*d.*; of lard, from 8*d.* to 5½*d.*; of best sugar, from 9½*d.* to 5½*d.*; of treacle, from 5*d.* to 2½*d.*; of coffee, from 2*s.* 4*d.* to 1*s.* 8*d.*; of candles, from 6¼*d.* to 4½*d.*; of tea, from 4*s.* and 6*s.* to 3*s.*, 4*s.* and 5*s.* In fact, there is scarcely an item which the poor man consumes, the price of which has not fallen one-third or a half, his wages not having been reduced in anything like the same proportion. The obvious result is that the labourer is now, with lower wages, in a much better condition than he was in heretofore with higher wages. You say that the farmers are all ruined, all in despair, all prostrate. How do you reconcile that statement with the fact, communicated, among others, to me, that although with respect to Northumberland there is some difficulty in re-letting farms, yet that the farms in the agricultural parts of Scotland are being relet at their old rents in most cases; and there is not a farm in Cumberland that becomes vacant but there are five or six competitors for it. Or, how do you reconcile it with the fact, as I am informed, and I speak in the presence of gentlemen who can contradict me if I am wrong — that the properties of several large landowners in different parts of the country have been valued within the last two months, and the valuations have manifested that no reduction in any of the rents paid upon them was called for. There is no indication here, at least, of a break-up of the landlord interest by the operation of the recent changes, when you find that the same rents which have been heretofore paid, are found, upon deliberate revaluation of the properties, to be still fairly demandable. Therefore I do repeat the assertion which I made on a former occasion, that the language used at some agricultural meetings is much to be deprecated, as tending to the injury of the country, and especially of the landlords of England. If bad feeling has been engendered by language so held, the landlords will be the first to suffer from that bad feeling. It may suit their purpose to excite feelings against the Legislature of the country by assertions of a general and sweeping character; but it may be carried too far, and depend upon it that bad feeling will recoil upon themselves. The hon. Gentleman, as usual, has dwelt upon the oppressive taxes which he says rest wholly upon land. I find these set forth, also, in a circular, which I suppose every Gentleman here has received, from an occupier of land, who marshals in array the taxes which, according to him, fall solely upon the owners and cultivators of the soil. In the first rank of these he places tithes. Now I really thought that the question of tithes had

The Chancellor of the Exchequer

been settled by the Tithe Composition Act, and that tithe had been distinctly and definitively arranged as a rent-charge upon the land, in reference to which all the other calculations were made. I really thought it was well understood that the tithe-owner and landlord are joint proprietors of the produce of the land. If rent is not paid to the tithe-owners, it is paid to the landlord. I thought it was settled by common consent, that if two fields, each worth 20*s.* an acre, were the one tithe free, and the other subject to a tithe of 5*s.* per acre; in the one case the landlord would receive the whole 20*s.*, and in the other 15*s.*, the remaining 5*s.* going to the tithe-owner; it being a matter of perfect indifference to the occupier, to which party the payment was made; and the tithe being no more a burthen on him than the rent. I did not expect to have this item brought forward in the van by the hon. Member for Buckinghamshire; and I was rather surprised not to see some very marked smiles upon the faces of hon. Members about him—better acquainted than he would appear to be with the subject—when he put forward such a fallacy. The hon. Gentleman wants us to remove the prohibition upon the cultivation of tobacco in this country, urging that ours is a peculiarly favourable climate for that cultivation, and that it was, in point of fact, prosecuted here some years ago with great success. No doubt tobacco was, some years ago, grown here to a certain limited extent, under cover of a very high protection—that is to say, it paid no duty at all, while foreign tobacco paid 4*s.* the lb.; but I can safely assert that the cultivation was hazardous, not very deserving of encouragement. A Committee of the House of Commons sat in 1828 or 1829, or about that period, and inquired carefully into the subject. They found that tobacco could not be grown here to advantage, upon anything approaching to equal terms. It must fail unless you gave it an enormous protection, which protection at once opened the door wide to unlimited and ruinous frauds upon the revenue of the country; and Mr. Huskisson, who drew up the report of the Committee, recommended to the House, which entirely concurred in the recommendation, that the simplest and most advantageous course would be to prohibit the growth of tobacco in Ireland as it had been prohibited in England, so that a revenue, amounting to nearly 4,500,000*l.*, might be protected from the enormous diminution by fraud to which it would be otherwise exposed. The entire market value of unmanufactured tobacco imported into this country in 1849 did not exceed 500,000*l.* sterling. Let me ask the hon. Gentleman whether, seriously, he would desire, for the sake of such a benefit as that to the agricultural interest—supposing that interest to realise its whole amount—he would desire to sacrifice a revenue of 4,500,000*l.*, which, after all, would, as a matter of obvious necessity, have to be made up somehow or other from the community at large, and, of course, in their full proportion, from the agricultural classes themselves; a proportion, I am inclined to suspect, that would at least counterbalance any advantage they might derive from the removal of the prohibition? As to sugar, anybody is already quite at liberty to make as much sugar from beetroot, in England, as he pleases, provided he only pays the same duty thereupon as is paid upon our own colonial sugar. There is a person in Ireland who manufactured beetroot sugar; and an hon. Gentleman, who advocated this question in this House, wrote to him some time ago, by my desire, wishing to know what restrictions he wished to be removed, as I said I would do what was in my power to relieve him of anything of which there was just reason to complain. All, however, that I heard of the gentleman was a demand for some compensation for something that was done fourteen or fifteen years ago. The hon. Member wants me to take off the duties upon malt and hops, and upon British spirits; and it s said that I cannot be a genuine freetrader because I have not removed all these duties which are said to press upon British industry. Now, my notion of free trade is not that we can do without a revenue; but a revenue having to be collected, that it should be raised in as easy a manner as possible, and so as not to take more out of the pockets of the payers than goes into the Exchequer. These are the notions upon which I base free trade, and I am prepared to condemn any duty which can be shown to be opposed to these principles. Duties should be raised only for revenue purposes, should injure as little as possible those who contribute them, and benefit as much as possible the Exchequer into which they are to be paid. The hon. Gentleman seems entirely to forget the fact that the far larger portion of these duties are paid by the consumer; that it is the man who drinks the beer who pays the malt duty, and not he who grows the barley. No doubt the cultivator of the barley is indirectly prejudiced to a very small extent by the demand for his produce; but that is a totally different proposition from the broad statement that it is the landed interest which pays the malt tax. The amount involved bears no proportion whatever to the sum proposed to be sacrificed by the hon. Gentleman—namely, 5,500,000*l.* of revenue. It should not be forgotten either that though foreign malt cannot be imported, foreign barley is subject to a nominal duty, and of this malt may be made here. I have received the distinct intimation of several of our greatest maltsters, that to a certain extent the agricultural interest is actually protected by the malt tax. The same arguments as to malt apply equally to the duties on British spirits. Here again it is the man that drinks the spirits who pays the duty, and not the landowner or cultivator. I could hardly have supposed that a Gentleman who has paid such attention to these subjects as the hon. Member for Buckinghamshire would so entirely have ignored the clear axiom that it is the consumer who practically pays the duty upon an article, not the producer. As to the mode in which the deficiency—the enormous deficiency of some 15,000,000*l.* or 16,000,000*l.* sterling—occasioned by the repeal of these duties is to be made up, the hon. Gentleman does not unfold or even hint at; he leaves that trifling feature of the business altogether in mystery, leaving me, amidst all the anxiety with which I was awaiting his proposition on the subject, unaided by the slightest suggestion. The hon. Gentleman tells us broadly that 7,000,000*l.* out of the 12,000,000*l.* of local taxation are paid by the land. The hon. Gentleman, throughout his extended speech, now, as on former occasions, mixes up confusedly all sorts of landed property under the general term, land, making no discrimination between the agricultural land, the land which produces the wheat, and the barley, and cattle, for which he claims protection in respect of the burdens thrown upon their production, and land paying ground-rent for buildings, land in and about towns, and many other descriptions of land and real property which bear their proportion of the burden, but which put in no pretext of distress, and have, in truth, no claim for relief. The hon. Member, however, lumps all the alleged burdens upon land together, and then claims for the agricultural portion of it the whole relief. This is a fallacy which I must beg of the House to bear in mind in weighing the hon. Gentleman's proposition. It is of the very essence and gist of the question, to consider the small proportion of burden that really falls upon agricultural land. The owners of the land, which produces wheat, barley, and cattle, are the parties to whom relief ought to be given, according to the views of those who attribute their distress to recent legislation, not the owners of houses, garden ground, railway and such other real property as I have referred to. Now, assuming that protection is a benefit, I admit that it does meet the case of these parties. The remedy, such as it is, applies clearly and exclusively to the complaining parties. But this is not the case with the proposed remedy of relieving real property from local burthens. The hon. Gentleman does not appear very consistent in his estimate of the actual relief to be given. In 1849, he demanded relief to the extent of 7,000,000*l.* sterling; last year, his demand fell to 2,000,000*l.* or 3,000,000*l.*; now, it appears to be put at between 2,000,000*l.* and 3,000,000*l.*; though he is not very clear on the point. I infer that he points to the same account. Whatever, however, the extent of relief he may get, ought to be distributed among the owners of agricultural land, and the producers of agricultural produce. The owners of other land have no claim to relief. The hon. Gentleman said, that land paid 7-12ths of the whole amount of charges on real property. He is entirely mistaken, even if his assertion is limited to agricultural land. The great amount of property in this country is ceasing to be agricultural land, and becoming property connected with railroads, canals, and the like. The time, no doubt, was, when by far the greatest amount of real property was land. It is not so now. The proportion which land bears to other kinds of real property is diminishing year by year; and, therefore, the proportion of any relief, extended to real property, of which agriculture would derive the benefit, grows year by year less and less. In 1815, which is the last assessment of the old property tax, the whole value of the assessed property in England was 53 millions sterling; of that, land was 34 millions. In 1839, the whole amount of real property assessed upon the property tax was 94 millions sterling; while land was 42 millions odd. That is to say, in 1815 land was 64 per cent of the real property of this country; in 1849, it was only 44 per cent. Therefore, if you transfer to the public Exchequer 100*l.* of local burthens, 56*l.* of that goes to other property, and 44*l.* only to land. Now, take the large sum that the hon. Gentleman has proposed to transfer. Suppose 2,000,000 per annum were taken upon the public Exchequer, how much of that would go to the land? 880,000*l.* would go to the land (including an immense amount which is not producing wheat, barley, or cattle), and 1,120,000*l.* would go to other property, not land, and which has probably been benefited, and not injured, by the recent legislation of the country. Do not such considerations prove that the owners of land are only part and parcel of a great community—that their lot is cast in with that of the community at large—and that their condition alone cannot be benefited by any legislation of the kind proposed by the hon. Gentleman? The object really to be kept in view is, how we shall best benefit the community at large, so that the owners and occupiers of land shall obtain their full share of the benefit. I do not think it necessary that I should pursue the subject further. With respect to stamp duties and legacy duties, the observations of the hon. Gentleman are only a repetition of what I and a right hon. Friend of mine have said on other occasions; and upon this part of the subject, therefore, it is unnecessary for me to say anything. I now come to another topic which the hon. Gentleman suggests for the consideration of the House. He says, it is recommended that farmers should employ more labour on their lands, but that impediments to the free employment of labour exist in the law of the country. I am glad to hear him speak in those terms, because I think the law of settlement ought to be amended; but the obstacles presented by the law of settlement have not proceeded from this or any other Government, but from the Gentlemen who are commonly called the "country gentlemen;" and, therefore, if they are prepared to support the measure for the amendment of the law of settlement to be introduced by my right hon. Friend the President of the Poor Law Board, I shall be exceedingly happy to reckon on their aid. It is not for the hon. Gentleman, representing a class from whom legislation on that subject has hitherto come, to reproach the Government on the law of settlement. The hon. Member says, the farmers ought to employ capital, but that the effect of the Banking Act of 1844 had prevented them from doing so. Has capital been so scarce since 1844? If I am not mistaken, it was made matter of reproach against the late Government, that by their measures in connexion with that Act, they reduced interest so low by what they had done, that speculation was promoted. Such a charge is not consistent with the argument of the hon. Gentleman. I do not think any Gentleman going into the City would find the slightest difficulty in obtaining any amount of capital he required to effect improvements. I do not recollect capital being so abundant for many years, or the rate of interest so low. I will not follow the hon. Gentleman through his argument on the subject of "commandite." I should not think that hon. Gentlemen around him would be willing to apply the joint-stock principle to the management of farms. The hon. Gentleman has talked of a national rate for the support of the poor, though he did not insist upon it, his observation being apparently thrown out as a feather, to try which way the wind blew; but I remember perfectly well, when that proposition was mooted on a previous occasion, that the hon. Member for East Somersetshire, a gentleman perfectly conversant with the poor-law question, as well as with all country matters, said, that such a plan would be the greatest misfortune that could befall the country—an opinion in which I certainly most fully concur. The hon. Gentleman, in complimentary terms, spoke of the proposition once made by his right hon. Friend the Member for Stamford in favour of a fixed duty, on corn as a happy financial exercitation; and a renewal of the proposition now might be regarded in the same light. I do not know whether the right hon. Gentleman will thank him for treating in so light a manner the serious proposal which he made, or that hon. Gentlemen near him will think that a proposal to which many of them attach so much importance is to be finally disposed of in so summary a manner. I should have thought that, in their opinion at least, it would have deserved more serious consideration.

But I will come now to the most important branch of this question. The hon. Gentleman desires that relief should be given from what he calls the unjust burdens on land, to the extent of 2,000,000 or 3,000,000; and he would also repeal, or considerably reduce, I presume, the duties on tobacco, malt, and spirits. They amount to near 15,000,000*l*. How does he propose to supply the deficit which would be consequent on a remission of those duties? I do not know how he and the noble Lord the leader of the party in the other House will arrange matters; because the noble Lord has stated that he is against the repeal of the malt tax. The hon. Gentleman ought to have told us what is the deficit with which he would have us deal. If the hon. Gentleman meant anything by the Motion before the House—if he intended to propound any practical question as arising out of it—it was, that relief should be afforded from the customs duty on tobacco, and from the excise duties on malt, hops, and spirits. How did the hon. Gentleman, however, propose to supply the deficiency that would be created by the repeal of the malt tax, for instance? In what manner did he mean to create an equivalent for the public revenue? The hon. Gentleman had not told the House on this occasion—though the hon. Gentleman was not always so chary of his information on the subject. The hon. Gentleman once stated at a meeting in Buckinghamshire that the true plan for relieving the land was to raise 5,000,000*l*. by a land tax. But now he points out the land tax as a burden on land. The hon. Gentleman has since come forward with a definite proposition. In 1849 he proposed to relieve the agricultural interest from rates to the amount of 7,000,000*l*., and to increase the income tax by an equivalent amount. That would have doubled the charge on the owners of land, and considerably increased the charge on the occupiers; but it was a proposal deliberately made for the relief of agriculture. The hon. Gentleman has apparently abandoned both of these schemes. How then does the hon. Gentleman propose to make good the deficit? There is but one way, in fact, open to the hon. Gentleman, and that is to reimpose some or all of those duties which had been remitted within the last few years. The hon. Gentleman has deprecated such a course, it is true; but how else can he make good the deficiency which his proposition would cause in the revenue of the country; seeing that he is not prepared to suggest either his land tax of five millions, or to increase the income tax to seven millions? If, however, the hon. Gentleman reimposed those duties which have been remitted, would it not be a distinct reversal of that policy which has received the sanction of the House, and which has effected such good for the country as the foundation of the prosperity which the people at large now enjoy? That is the clear result of the proposal of the hon. Gentleman. The hon. Gentleman calls on the Government for "justice in action," by lightening the burdens of the land. I must beg their attention to one or two statements which I shall be obliged to make in the course of my further observations on the subject. The Motion of the hon. Gentleman is much the same as the Motion he made in 1849, and it is supported, moreover, by the same arguments. The hon. Gentleman on that occasion referred to local taxation as mainly, if not exclusively, pressing on the land; and he likewise stated that one-third of the excise duties was borne by the land. He then moved for a Committee to inquire into these burdens with the view of their removal. But that removal, as I have shown, can only be effected by the reversal of the legislative policy pursued by the House within the last few years. Is it expedient to have recourse to that step? I will not go far back for a test of the comparative condition of the country, but I will take the period immediately preceding the imposition of the income tax, that great engine which, as the hon. Gentleman says, covered all changes and charges, and which I hope may cover many more yet to come. The general prosperity of the country at the present moment is admitted; I will compare it in detail with what it had been previous to the adoption of the policy in question. And, first, I will look at it financially. In the year 1841, the whole revenue of the country was 48,084,000*l*.; in the year 1850, it is 52,810,000*l*., showing an increase of some 4,726,000*l*. What, however, has been done in the course of these years—in the relief of taxation—in the way of taxes reduced and taxes repealed? There was repealed or reduced—

In 1842 taxes to the amount of .	£1,596,366
1843	411,821
1844	458,810
1845	4,535,561
1846	1,151,790
1847	344,886
1848	585,968
1849	388,798
1850	1,289,151

The total amount of taxes, repealed or reduced since 1841 is 10,763,151*l.*, the amount of taxes imposed within the same period is 5,655,793*l.*, which being deducted from 10,763,151*l.*, the amount of taxes repealed or reduced, leaves a balance of 5,107,358*l.* in favour of the public; and while that amount of relief has been given to the taxpayer, there has been an increase of revenue to the extent of 4,700,000*l.* Financially, I think, I have proved the advantage which has attended those legislative changes. In those years we have gone through a famine in Ireland, and failing crops in this country; we have gone through a commercial crisis, one of the worst we have ever experienced; we have gone through wars in continental States utterly disturbing our trade; we have had some alarms at home. There has seldom been a period in which disturbing causes to an equal amount have existed; yet the result is such as I have stated—a removal of taxation to the amount of upwards of 5,000,000*l.*, and an increase of revenue almost equal to that amount. It is not necessary to enter on a detailed statement as to the condition of the manufacturing and commercial interests. Although evil may have arisen from a high price of cotton, and from some temporary pressure in the iron trade—the commercial and manufacturing interests were never in a state of more steady and sound prosperity. I shall not appeal to the increased importation on consumable articles; I shall refer to the shortest test—one to which hon. Gentlemen opposite are more in the habit of referring—I mean the amount of our exports. Taking what are called the principal articles, I find the declared value of these exports in 1848 was 48,946,000*l.*; in 1849, 58,848,000*l.*; in 1850, 65,756,000*l.* In 1848, when we were taunted with the small amount of exports, I expressed my belief that the disturbances on the Continent had interrupted our trade. The hon. Member for North Warwickshire dissented from that opinion, and held that the disturbances on the Continent had diminished production there, and increased the demands for our goods. I will not take advantage of this, in order to claim the advantage of the extraordinary increase from 1848. Making full allowance for the diminished export of that year, the increase is still quite astonishing. I will compare the total exports of former years, beginning with the year 1841, to which the hon. Gentleman referred. The declared value of all our exports in 1841 was 51,217,000*l.* The declared value of our exports in 1847 was 57,786,000*l.*; 1848, 52,849,000*l.*; 1849, 63,596,000*l.* Assuming the same proportion of the principal articles to the whole exports as furnished in 1849, the total declared value of our exports this year will be upwards of 70,000,000*l.* Take the year of our greatest prosperity before the recent legislation began, and compare it with those results which I have just stated, and you will find an increase of exports in the latter period perfectly unexampled, and a degree of prosperity altogether unknown in our commercial and trading history. Now, if this be so—and I do not think any man will contradict the proposition I have laid down—if there is the utmost facility for making investments—if our trade has recovered from the depression into which it had fallen—if our commercial interests are in a state of unparalleled prosperity—our working classes, not only in the manufacturing, but the agricultural districts, well employed, well paid, and well fed—if it be granted that this is a true description of the general state of the country, can it be said that our legislation has been wrong or misdirected? And can it be said, in such circumstances, that the hope expressed in Her Majesty's Speech is ill founded, that

> —"the prosperous condition of other classes of Her subjects will have a favourable effect in diminishing the difficulties and promoting the interests of agriculture?"

Is it possible that the agricultural interest can stand so much separated from the rest of the community as not to be benefited by their prosperity, and derive advantage from the great and increasing demand for their produce which that prosperity must create? I have stated what has been the increased demand in Glasgow. The other night a similar statement was made with reference to Liverpool, and many other instances might be given; but it is not necessary to show that there is a great and increasing demand for the produce of the agricultural districts. Whatever has been imported into this country has been consumed. Stocks are low, and this, at least, we have the gratification of knowing, that the people have had the full benefit of all that has been produced and imported. Nor will I believe that, with such an augmentation of markets as we see going on for the produce of agriculture among the other bodies of consumers, its interests alone are doomed to suffer. The hon. Gentleman says, it may be that all other interests are prospering; but that, since protection was given up, this alone has been in a state of depression. Now, I believe it to be true that no protected interest ever lost its protection without suffering for a time, however certain and permanent the ultimate improvement might be; and I expect that the same thing will occur in this case. I will not stop to point out at any length what has been the result with regard to other interests. The case of the silk manufacturers is familiar to all of us. They were reduced, as they said, to ruin, when protection was taken from them; and the same complaints were heard from the manufacturers of leather and gloves when protection was taken from them. If it be true that the prosperity of the agriculturists of this country was based on protection to agriculture, it was equally true in respect to silks. But let us see what are the facts of the case. It is only three or four years since protection was removed from the silk manufacturers; but has the production of silk been diminished? Quite the contrary. Not only do we supply our own market, but we carry on a successful competition with the very parties against whom we were protected. In many fabrics, indeed, we beat them. Here is a statement of the exports of silk goods during the last three years. In 1848 the declared value of our exports of silk stuffs was only 238,000*l.*; in 1849, 396,000*l.*; and in 1850, 487,000*l.* In other articles the export rose from 96,000*l.* in 1848 to 186,000*l.* in 1850. Of mixed stuffs the declared value of the exports in 1848 was 150,000*l.*; in 1849, 213,000*l.*; and in 1850, 328,000*l.* This has all been accomplished in the face of great competition; and, with such facts before us, I ask what reason have we to fear the competition of any class of men? With regard to the glove trade, complete ruin was predicted when protection was taken away. My noble Friend at the head of the Government referred on the first night of the Session to the prosperity of the glove trade; and his statement on that occasion has since been strongly corroborated by the letter of a Yeovil manufacturer, published in the newspapers. Now, with regard to gloves, I find that in 1848 there were exported 10,475 pounds weight of gloves; in 1849 the quantity was 15,314 lb., and in 1850 it was 31,770 lb. weight, being actually double the quantity of the year before. This is a complete proof of the fallacy of the position that our foreign trade cannot go on without a large protection. I shall next refer to wool. In 1842 I took an active part in endeavouring to obtain the removal of the import duty on wool. The duty was not removed then, but subsequently it was taken off, and what has been the result? Since the duty has been repealed, and since unlimited competition has been permitted, the demand for our own wool has increased more and more, and the exportation of British wool has been greatly promoted. In 1848 the exportation of British wool amounted in pounds weight to 3,900,000; in 1849, to 11,200,000; and in 1850, to 12,000,000. It appears that the reduction of the duty on wool has been followed by increased production, an increase of our manufactures, and, as I have just shown, an increased exportation abroad. Now if I am asked how is prosperity in agriculture to be attained, my answer is, that it is to be attained just as it has been in other branches of industry, by judicious application of capital, and increasing industry and enterprise; and I am happy and bound to say that this is going on throughout the country to a most extraordinary extent—that there is hardly one corner of the country where you cannot see, highly to the credit of the owners and occupiers of land, the large improvements which they are carrying on. The manufacturers of this country meet without fear the competition of the world to which they are exposed; and it is by a process similar to that which they have employed that I believe the agriculturists of this country will successfully compete with the produce of other nations, brought into the same market with their own. If I were anxious to encourage the agriculturists of this country in the prospect that is before them, I would borrow the language of one whose words will have more weight with them than any that could fall from me—language better expressed and more forcible than any I could use for such a purpose; I would borrow language from a noble Lord of acknowledged talent, and looked up to by Gentlemen on the other side of the House—language applicable, not merely to the confined district in which it was addressed, but to every portion of England. I allude to a speech that has been charged with inconsistency — though I see none in it—and which was addressed by Lord Stanley to the Agricultural Association of Bury, and through that body to the whole agricultural population of England. The noble Lord said—

> "We are so far from having arrived at that expenditure of capital which, being permanently sunk in the soil, has led to an artificial fertility, that we are not yet at that stage of advancement when we can say we have placed the soil in a condition of even its natural fertility."

Again—

> "I have seen land in such a state of absolute neglect that I have stared with astonishment when I have asked, and been told, what was the amount of rent the late tenant was nominally engaged to pay out of such land. I have seen lands paying (I don't mean to the head landlord) 30*s*. and 2*l*. the statute acre, when I firmly believe, if they could feed a snipe, that is the only two-footed or four-footed animal they could feed. I have seen, again, lands which, not more than six or seven years ago, were in as apparently hopeless a state, and which at this moment exhibit an aspect of fertility, contrasting in a manner as remarkable as it is gratifying with their former condition; and, though I will not say that this increased fertility has been obtained without a considerable expenditure—although I will not say that for the first two or three years the outlay of the tenants—men undoubtedly of science, and ability, and capital, has been repaid—yet, sure I am, that outlay is in course of permanent, and certain, and not very gradual or slow repayment."

The noble Lord continued—

> "By these means the land will be brought into a state of fertility which will require only a moderate amount of care and attention, and of manure also, to render it permanently productive, yielding, I will venture to say, in many instances, more than double, in some instances even ten-fold the produce gained from the land in its existing state."

Does the noble Lord despair of the prospects of agriculture? Far from it. I will again borrow his language; and, altering it only so far as to substitute terms generally applicable for those addressed to the people of Bury, I would address the gentlemen of England in the language of the noble Lord's concluding sentences:—

> "With these prospects before us, with the spirit I see among you—with the spirit more especially which I see among the leading proprietors—among those who are using properly their high station for the purpose of showing the way towards improvement, and aiding and encouraging their humbler co-labourers—I do not despair, but, on the contrary, I look with confidence to the successful working of this system of improved cultivation. I pray you not to relax in your efforts. Let the zeal you have manifested in the first instance be continued, as I am sure it will be. Let landlord and tenant, manufacturer and agriculturist, pull together in one joint endeavour for our common welfare, and, believe me, we shall insure, in spite of all discouragements and difficulties, the certain and permanent prosperity of the agriculture of our county."

That is the language not of despair, not of discouragement, but of hope and encouragement to the agricultural classes; and I believe with the noble Lord that that is the tone and language which ought to be addressed to them in their present circumstances. My belief is, that they, like all their predecessors from whom protection has been taken, will suffer for a time; but that they will revive, and that their prosperity when it does revive will be more enduring and permanent than before. With regard to the Motion of the hon. Gentleman, I can but repeat that which I said a short time ago—that I can only view the Motion in one light—that, however much he may disclaim the intention, there is but one mode of carrying out the proposal he would make, viz., by imposing some or all of those taxes that recent years have seen repealed or reduced. I call upon the House to negative that proposition. I quoted last year the speech of Mr. Huskisson on which our recent policy may be said to have been grounded. That policy has been more or less followed from that time to this; and it received a greater impulse and fuller development when the Government of Sir Robert Peel came into power, and he proposed his system of legislation in 1842 and subsequent years. That legislation I supported when in opposition; and the same commercial policy Her Majesty's Government has endeavoured to carry out since their accession to power. Gratefully have I to acknowledge the support which on many occasions that lamented statesman gave to us; and when a vindication may be needed of that policy, I feel and lament more deeply the loss which this House and the country have sustained. I lament the loss of that assistance which as on former occasions that right hon. Gentleman would have given to those views by which this subject is to be maintained in argument. It is, I feel, with far inferior ability, with far less claim on the support of the House, but with no less unfaltering confidence in the soundness of the principles and justice of the system that we are pursuing, that I now call upon the House to follow the course they have done before, in rejecting this Motion. I call upon those who concurred with that right hon. Gentleman in recommending those measures; I call upon the majority of the House, whether on the other side of it or on this, by whose support those measures have been carried, to stand by them now, and not flinch from them when they are exposed to repeated attacks and trials. By the confession of all sides, they have been in the highest degree beneficial to the country generally; and let us stand by them for that short time longer, which, in my belief, is all that is required to show that they will prove as advantageous to the agricultural as they have proved to every other class of the community, and especially to the working population, from one end of the kingdom to the other.

Mr. HODGSON hoped that as Cumberland, in which he resided, had been referred to, the House would allow him to make one or two remarks, and extend to him the kindness it usually afforded to a Member who had grievances or distresses of his constituents to state. In the city which he represented (Carlisle), the cotton manufacture had been carried on to a considerable extent, partly for exportation and partly for home consumption; but the demand had wholly ceased, and the operatives were out of employ. There were hundreds who wanted the bare means of subsistence, and hundreds more who earned a very scanty maintenance by occasional work. So great was the distress, that the mayor called a meeting of the inhabitants last week to see what could be done, and a public subscription had been entered into to support those operatives by charity. He was afraid he could not give a much better account of the state of the agricultural interest. He knew of many farms in Cumberland being re-let this Candlemas; but every one had been let at a very considerable reduction of rent. A friend of his, who had a farm let at 600*l.* a year, was glad to get a tenant at 340*l.* The right hon. Gentleman the Chancellor of the Exchequer had stated the rate of wages of agricultural labourers in Cumberland as averaging about 12*s.* Now, though there might be some isolated spots where as much as that might be paid; the average rate, he knew, was not more than 8*s.* or 9*s.* [The Chancellor of the Exchequer said, that he spoke of the northern districts of the country generally.] Well, things did not appear much more prosperous in the neighbouring county. He had with him a recent number of the *Newcastle Courant*, in which he found forty-one advertisements of farms to be let. If that was the case in a county quoted by the right hon. Gentleman as an instance of agricultural prosperity, it was difficult to give him credit for his statements in respect to other parts of the country. The hon. Member for Birmingham attributed the existing distress to the currency laws; others ascribed it to the excited state of the Continent, and said that when the people there became tranquil, prices would rise here. He believed that the great remedy for our distress was a reduction of taxation. But he could not see much chance of that if the noble Lord at the head of the Government would maintain such extravagant fancies as the African slave squadron, and fill up places which Committee recommended to be abolished. Let him take in hand to reduce the pension list. A list of persons receiving pensions from the State had just been issued; and, although he was considered to hold rather conservative opinions, it almost tempted him to become a radical. He felt that it was monstrous to think there should be persons eating the bread of idleness while there was starvation among his constituents. He should feel it his duty to vote for every reduction of taxation that might be proposed, provided it did not appear to be injurious to the public service, or to endanger the public honour.

Mr. GRANTLEY BERKELEY said, he could not congratulate the right hon. Gentleman the Chancellor of the Exchequer upon the allusions which he made to the prosperity of Cumberland; and he felt convinced that the same distress as the hon. Gentleman who had just sat down had proved to exist in Cumberland, prevailed everywhere. He had heard a great many bold assertions made from the Treasury bench, but he had never heard a bolder statement than that of the right hon. Gentleman the Chancellor of the Exchequer, that the hon. Member for Buckinghamshire did not ask anything in the Motion which he had brought before the House. Her Majesty's Government, however, had frequently come to ask the opinion of the House without suggesting any opinion of their own. In the case of the Irish famine they called the House together without having a single proposition to make. What had been their conduct on this question? Had they not denied agricultural distress? Had they not at last reluctantly admitted it? And they now requested them to look for the amelioration of that distress in the better situation of the manufacturing classes. The agricultural classes were to wait on the manufacturing classes for the time of prosperity. But he should like to hear the Government propose to the hon. Member for the West Riding, or the hon. Member for Manchester, to let the manufacturing prosperity wait for the improved position of the agricultural labourer. The right hon. Gentleman seemed to sneer at the experiment of free trade having been tried for five years only; and he said that no time could be definitely laid down for the continuance of the trial; but, before long, he expected that the agricultural interest would be more flourishing than ever; but he (Mr. Berkeley) asked them now when this experiment was to cease, and when they meant to put an end to the sufferings of the country? The right hon. Gentleman said that he never expected that prices would be so low; and last year he declared that prices never could be lower. They had seen, by experience, that it was not on the strength of low prices that Her Majesty's Government were disposed to recommend a different measure. The right hon. Gentleman had referred to the prosperous condition of the working classes, congratulating himself on the cheapness of provisions. He (Mr. Berkeley) admitted that provisions were low, and that the labourer was enabled to purchase cheaper provisions. Did the purchase of provisions by the labourer tend to the benefit of the employer? He said no. Formerly the two classes depended the one upon the other; but now we had taken from the agriculturist his reliance upon his employer. They had heard a great deal about the state of the glove trade. He did not believe a word of it. These statements were mere chimeras. Amongst the extraordinary things which he had heard lately, was the answer which had been given to the question put by him respecting the riot in the county of Suffolk. He had since heard that that riot had actually taken place owing to the overcrowded state of the workhouse. A gentleman who had seen the place where it occurred informed him of the fact of the disturbance; that fifty policemen were unable to quell it; that the military had been called out, the union inmates had driven the officers away, and it was with the greatest difficulty that the riot was at length quelled. Now, was the Government ignorant of that matter? No; but they had kept it back in order that that debate might go on quietly. He was sure, from the crowded state of the unions, there were threats of similar disturbances in a hundred different places. What had become of all the charges so frequently made last year against the agriculturists? Where was that most unworthy charge of class legislation, and that the whole outcry had been raised by the owners of property in order to keep up rents? Such an accusation was disposed of by the paragraph in Her Majesty's Speech in which the distress of the agriculturists was acknowledged. For the last five years we had been making the experiment of free trade, and we could now come to a good conclusion as to its effects. The noble Lord at the head of the Government had asserted that never had the great mass of the labouring classes such command of articles of provisions as at the present time. He could not but wonder that the noble Lord should entertain such a sentiment, when he referred back to the words of the Royal Speech. What had the labouring population obtained? They had sugar bought with the price of blood, and at the sacrifice of all the principles of religion; and they had cheap bread and cheap meat, procured from foreign producers: this was all they had got. His hon. Friend the Member for Birmingham had stated that the manufacturers were eating up the farmers. The same idea might be applied to the agricultural labourers at present, who were purchasing cheap provisions, but were doing so to the sacrifice of their masters. Again, it was said that pauperism had diminished, and the hon. Member for Dorsetshire had admitted that in that county the generality of labourers were not much reduced in wages; but he could state that application had been made to increase the salary of the gaoler of Dorchester gaol by 50*l.* a year, in consequence of the increased amount of his duties. He held in his hand an account of the number of paupers relieved in Dursley union for the three years 1848, 1849, and 1850. The numbers were—1848, 5,795 paupers; 1849, 4,495; 1850, 3,136. Again, the number of prisoners in Gloucester gaol during the same period was—1848, 533; 1849, 551; 1850, 420. Now it was true that in both instances there was a diminution in the year 1850, but he did not attribute that to the effects of free trade, but to the well-known fact that by the measure of free trade, and the consequent distress, we had removed the sinews from the land; and those who would have been paupers had been expatriated and driven to emigration. He wished to mention one fact, which, he thought, ought to attract the attention of the right hon. Baronet the Secretary for the Home Department, and that was, that persons in the workhouses often committed offences for the purpose of obtaining the better diet which was given in prisons. As for his own county, the general condition was such, that there was no increase in agricultural employment, no approach to better wages, and no benefit arising from cheap food. He had taken great pains to obtain the best advice, and the general tenor of it was, that instead of amending in agricultural prospects, they were gradually getting worse. As to the state of Ireland, they would find that so far from improving, it was becoming throughout in a more distressed condition. In a debate during the last Session of Parliament, the right hon. Baronet the Member for Ripon had stated, that they—

> "would be better able to take a practical view of taxation next year, when the income tax had expired; and if it should be thought expedient to reimpose that tax, he should put in a strong claim in behalf of the landed interest, with a view to establishing a different system of assessment."

He (Mr. Berkeley) trusted that the right hon. Gentleman would not now forget his promise. He did not know by what arguments the reasonable proposition of his hon. Friend the Member for Buckinghamshire could be opposed. When they were told that that Motion asked for nothing, he would ask the House and country what could be expected from Her Majesty's Ministers? The greatest boon that could be conferred on the people would be a dissolution, and he was convinced that if there were to be a dissolution not one half of the Members who now had seats in the House would be returned to Parliament. Whether they looked upon the country in a religious or in a temporal point of view, they must see there was a feeling of great distrust and disaffection. Instead of the humbler classes having become more bound to their employers, and instead of the masses of this country looking to Parliament for succour, and regarding that House as a place where their wrongs would be redressed, they now almost despaired of relief, and were brought down to the very pit of despair, and had scarcely spirit to attempt a reaction, in order to better their condition. If this state of things lasted much longer, the farmers would be unable to employ the peasantry, so that the condition of the poor would become deplorable, and that of the tenant-farmer as bad; for the labourers would be in the workhouse, and the farmers, along with being already heavily burdened, would be saddled with a heavy poor-rate. The farmer, up to the present time, rather than quit his holding, out of his capital provided wages for the labourer; but that system must have an end—a speedy end—and unless something was done—unless the Motion of his hon. Friend the Member for Buckinghamshire met with a sufficient response—unless the House forced the Government to do something for the agricultural interest, he felt convinced that this body would find itself plunged in irremediable confusion, discontent, and disaffection.

MR. G. SANDARS: Mr. Speaker, Sir, I am anxious to say a few words on the question now before the House; not that I intend to propose a reversal of that policy which has received the sanction of this House and the country, for I agree with the hon. Gentleman the Member for Buckinghamshire, that that policy cannot be reversed by a mere vote of this House, but that if ever it be reversed it must be by the expression of feeling out of doors. Her Majesty, in her gracious Speech, has admitted that distress exists amongst one portion of her people, namely, the owners and occupiers of land; this fortunately saves us the task of proving the existence of such distress through other channels of information, but it is my belief that that distress has been confined hitherto chiefly to the tenant-farmers. Landlords have not generally reduced rents; and if the wages of labour have been reduced, the labourer has had an equivalent in the reduced prices of food; but a time is approaching when all these interests must bear a portion of the burthen. The landlord must make a permanent reduction in his rent, and the labourer will either have to be discharged, or submit to a reduction in his wages. Sir, the right hon. Gentleman the Chancellor of the Exchequer has told you to-night, that agricultural prosperity depends on the harvests, and the state of prosperity of the mercantile and manufacturing interests of the country. In 1849, we were told that the distress that then existed was owing to the deficient harvest of 1848; but, in 1850 (this distress still existing), we were then told it was owing to the abundant harvest of 1849; and now I suppose we shall be told that the distress that is admitted by Her Majesty's Ministers is owing to the defective harvest of 1850. Sir, I will, with the permission of the House, state the opinions expressed by

Her Majesty's Ministers last year, as to the cause of that distress, and the low prices which then existed.

Lord John Russell:—

> "There was a very great probability that there would be a higher price for corn than there had been during the past year."

The Chancellor of the Exchequer:—

> "The prices in the Baltic ports were so high, that it would not pay to send grain to this country."

The Marquess of Lansdowne:—

> "Oh, it is not worth the while of France especially to send corn here. In France they have not corn enough for their own use. . . . . Where are the large importations to come from? France is in ordinary years a million of quarters deficient."

Earl Grey:—

> "Of all the apprehensions that could be entertained, that of importations of corn from France was the most wild and visionary that ever entered into the head of man."

Lord Granville:—

> "He believed that the present price of 40*s.* per quarter for wheat was an unnaturally low one, and could not continue."

And yet, Sir, in the face of these statements, made by gentlemen of such high authority, we have had an import in the last year of 5,000,000 quarters of wheat and flour, and of 9,260,000 of all kinds of corn. We have had an import of upwards of 1,000,000 quarters of corn and flour from France, though, according to those high authorities, to expect corn from France was "wild and visionary"—that it was not worth while to send it here. The Chancellor of the Exchequer also told us that prices were then exceptional—that he expected they would rule from 40*s.* to 50*s.* in average seasons under free trade, and that corn could not be imported to any extent at the rates then existing. He said—

> "It is extraordinary to what an extent the importation has fallen off; but it affords, I think, a conclusive proof, that the present price of corn does not pay the importer, and that the agriculturist has good reason to expect that so low a price cannot continue for long. Prices, I think, likely to prevail, will range somewhere between 40*s.* and 50*s.*"

The hon. Gentleman the Member for Westbury has, too, reiterated these opinions. He said—

> "If he was asked whether these low prices would continue, he would state that he had no such belief; his anxiety was far more on account of the reaction which would take place from these extremely low prices. If confidence could only be restored to the country, and people could be induced to believe that these momentarily low prices were not likely to continue, it would soon be found that there was no great surplus of wheat, or imaginary stock now on hand; for his part, he had no fear of foreign competition."

There was no wonder that the hon. Gentleman should hold these opinions, as he had, before the repeal of the corn laws, fixed 52*s.* 2*d.* as the probable price of wheat under free trade. In fact, Her Majesty's Ministers had been deceived themselves as to the effect free trade would have on prices of grain, and they had, I am willing to believe, unintentionally held out false hopes to the country. The Chancellor of the Exchequer told us that the prosperity in the manufacturing districts would soon have its influence in relieving the distress of the agricultural interest. Such, Sir, would have been the natural effect before the repeal of the corn laws, but now it is the producer of foreign corn who gains the advantage by the increased demand for his produce, leaving little or no advantage to the home producer. The right hon. Gentleman admits that they have been deceived; but he says, "So also have we on this side the House, as those supplies have come from quarters not expected, namely, our continental neighbours." Why, Sir, we anticipated supplies from all quarters of the world, and such has been the fact. Have we not had an import of one million quarters last year from Odessa, 700,000 quarters from Egypt, and large supplies from still more distant regions? I repeat, what I have on previous occasions declared to the House, that at 35*s.* per quarter and upwards, we shall in spite of all prophecies to the contrary, continue to receive large supplies from all quarters of the world. I have, Sir, before regretted the mistake that was made in not retaining a moderate fixed duty, not for protection but for fiscal purposes, on the import of grain. I have stated that such a duty would not, in ordinary seasons, enhance the prices of grain to the consumer; that the foreign grower would reduce his prices to meet ours; and that it would only act as a protection to the British grower in years of abundance and cheapness, and would then prevent prices falling from 40*s.* to 35*s.*, and perhaps from 35*s.* to 30*s.* Who, I ask, would grudge such a protection as this to the home producer? The hon. Gentlemen opposite are fond of quoting the policy of the United States as an example for us to follow, whether it be on the subject of education, or on Papal aggression, or anything that may serve their purpose. I will, with the permission of the House, quote the opinion of a high authority, confirmatory of the views I have just expressed in favour of supporting the agriculture of the country. The President of the United States, in his last Message, has said that—

> " A duty laid upon an article which cannot be produced in this country—such as tea or coffee—adds to the cost of the article, and is chiefly or wholly paid by the consumer. But a duty laid upon an article which may be produced here, stimulates the skill and industry of our own country to produce the same article, which is brought into the market in competition with the foreign article, and the importer is thus compelled to reduce his price to that at which the domestic article can be sold, thereby throwing a part of the duty upon the producer of the foreign article. The continuance of this process creates the skill and invites the capital which finally enables us to produce the article much cheaper than it could have been procured from abroad, thereby benefiting both the producer and the consumer at home. The consequence of this is, that the artisan and the agriculturist are brought together; each affords a ready market for the produce of the other; the whole country becomes prosperous, and the ability to produce every necessary of life, renders us independent in war as well as in peace."

In this view I entirely agree, Sir, much stress has been laid on the fact that prices in 1835, with protection, were lower than in 1850; though this was the case with wheat, it was not so with other grain. Wheat—

		Barley.	Oats,	Beans.	Peas.
	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*
In 1835 was	39 4...	29 11...	22 0...	30 0...	30 3
In 1850 was	40 4...	23 5...	16 5...	26 11...	27 5
Difference ...	1 0...	6 6...	5 7...	3 1...	2 10

thus showing much higher rates in 1835 than 1850 of all grain, with the exception of wheat, which average was 1*s.* lower. But, Sir, there was also this great difference, that the low prices of 1835 were caused by abundance of home produce; whilst those of 1850 were caused by large imports. We have imported, since the free-trade policy commenced in 1846, 45½ millions of grain; and, I believe, we shall become more and more dependent on foreign supply, and it becomes a question of serious import whether our resources can bear this continual drain. The exchanges are now against us, and the gold in the coffers of the Bank is reduced three millions since last March. A return of some importance, moved for by the hon. Member for the North Riding of York, has just been laid on the table of the House, giving us the imports and exports to each country and colony for the year 1849. The total of the imports is, of official value, 99,170,602*l.*, and of exports, 60,152,607*l.*, and from those quarters from whence we derive our chief supplies of grain, the following result is shown. Russian imports, 5,604,102*l.*; exports, 1,379,179*l.* Danish imports, 1,461,704*l.*; exports, 353,599*l.* Prussian imports, 2,405,649*l.*; exports, 428,748*l.* French imports, 8,176,987*l.*; exports, 1,951,269*l.* American imports, 26,554,941*l.*; exports, 11,971,028*l.* Thus, Sir, it clearly appears that the principles of free trade are not appreciated by those countries from which we draw our chief supplies of grain, our imports from the five countries named being upwards of 44,000,000*l.*, and the exports to them, only amounting to 16,000,000*l.* Can anything, I ask, be more conclusive than this, that the advantages we were told would ensue to our commerce by the opening of our trade to all the world, leading to the opening of their trade to us, has not been, nor I fear will not be, the result of that much-lauded policy? Sir, in conclusion, I call upon Her Majesty's Ministers to take into their early and serious consideration the distress which prevails, and which they admit exists in the agricultural districts. The Chancellor of the Exchequer has a large surplus at his disposal, and it is the duty of the Government first to see whether they cannot relieve the owners and occupiers of land from some of those burdens which press most severely upon them. The hon. Gentleman the Member for Buckinghamshire, in a most able, temperate, and eloquent speech, has propounded a plan; and though I cannot go along with him in all its details, yet it throws out some valuable suggestions, which I trust will not be lost upon Her Majesty's Ministers.

Mr. W. BROWN: Sir, I have been unexpectedly called on in this debate, in consequence of an allusion that has been made by the hon. Member for Buckinghamshire (Mr. Disraeli), to what he supposed I said on a former occasion as to the protection the landed interest would receive from the expenses of bringing wheat to this country from the United States. The hon. Member represents me as having said that the freight of a quarter of wheat from the United States was 11*s.*; and he goes on to state, that it was not now more than one-eleventh of that sum. What I did say was, that the freight, insurance, loss of weight, interest on capital, commission, meterage, carterage, porterage, and storage, would give them a protection of from 9*s.* to 11*s.* I recollect, in making that estimate, my figures were 13*s.* 6*d.*, of which freight was only 4*s.*; but to be sure and not overstate my case, I said from 9*s.* to 11*s.* You cannot insure wheat against particular average; it must be general, and I make no allowance for profits. To show that I did not overstate my case, my hon. Friend who sits beside me, the Member for Berwick (Mr. Forster), is now paying 10*d.* per bushel for paddy from the United States, which is a very similar cargo to wheat. What I said as to the charges on wheat from the United States, is proved to be correct, as it has checked our expected supplies from that country. When the hon. Member does me the honour of quoting my words again, I hope he will understand me better, and not give the House an impression that I had misled them to the extent of 10*s.* per quarter, when my case was fairly stated. Before I sit down, I must congratulate the Government on the success of their free-trade measures, as is clearly shown by the decrease of crime, the decrease of poor-rates, the increase of marriages, the death of Chartism, and that country gentlemen are now in the enjoyment of their honours, their dignities, and their estates, and are enabled to sleep comfortably in their beds without fear of a domestic or foreign foe, and, I think, ought to be content with their present position.

The Marquess of GRANBY moved the adjournment of the debate to Thursday next.

Mr. DISRAELI said, that it would be no doubt very convenient to take the debate for that day, if hon. Gentlemen who had Motions on the Paper would consider the general feeling of the House to bring the question to a termination; but it could not be expected they would do so. The hon. Member for South Essex was first on the list, and without an expression of his opinion, they could make no arrangement.

Sir E. N. BUXTON said, he had a Motion for Thursday respecting sugar, and was very unwilling to give way, unless he got another day on which his Motion could be brought on. He trusted the noble Lord at the head of the Government, in order that the debate should be brought to a conclusion, would give him a future day to bring on his Motion.

Lord J. RUSSELL considered the request of the hon. Gentleman the Member for Buckinghamshire very reasonable, as it was desirable to enable the House to go on with the debate as speedily as possible; but he could not think the hon. Baronet the Member for South Essex equally reasonable, when he asked Government to grant him a day. Out of five days the Government had only two for all the business of the country. It would be better for the hon. Baronet to introduce the question on a Motion day.

Colonel SIBTHORP would not object to the Motion for adjournment, and hoped the time would come when the noble Lord and the free-traders would be ejected from the House. On a future day, he would express his opinion on the subject now before the House.

Debate adjourned till Thursday.

SUNDAY TRADING PREVENTION.

Mr. W. WILLIAMS moved for leave to bring in a Bill to prevent unnecessary trading on Sunday within the metropolitan police district and city of London, and liberties thereof.

Mr. B. WALL would oppose the introduction of a Bill on the subject at so late an hour. It was the same Bill the House had rejected last year. [Mr. Williams: No!] If not, it was the more necessary to oppose its introduction at such a time of night.

Lord D. STUART expressed his opinion that this opposition to the first reading of the Bill was very ungracious.

Motion made, and Question put, "That leave be given to bring in the Bill."

The House divided:—Ayes 70; Noes 19: Majority 51.

Bill ordered to be brought in by Mr. W. Williams and Mr. Kershaw.

The House adjourned at half after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 12, 1851.

SUPPLY—EXCHEQUER BILLS.

Supply considered in Committee.

Motion made, and Question proposed, "That a sum not exceeding 17,756,600*l.* be granted to Her Majesty to pay off and discharge Exchequer Bills, charged on the Aids of 1851, unprovided for."

Mr. HUME asked what was the interest now paid on these bills?

The CHANCELLOR of the EXCHEQUER: $1\frac{1}{2}$*d.* a day.

Resolution agreed to.

House resumed.

PAPAL AGGRESSION—ECCLESIASTICAL TITLES — ADJOURNED DEBATE (THIRD NIGHT).

Order read for resuming Adjourned Debate [7th February].

Debate *resumed.*

MR. PHILIP HOWARD said, he was anxious to address the House before the close of this debate, because he was unwilling to appear to shrink from the defence of his faith in the hour of peril—a faith which his forefathers, and the ancestors of many of those around him, had upheld in times of much greater peril. But that cause was now bound up and engrafted on the great cause of religious liberty; for he felt sure that if one retrograde step was taken, there was no knowing where it would stop. There was no instance of a nation or a legislature taking a retrograde step of this kind which was not followed up by still harsher consequences. The spirit of persecution, like every other passion, was only strengthened by gratification. At the same time, while he manfully defended his creed, he trusted he would be able to do so, in the words of the late Mr. Whitbread, with modest intrepidity; and he would not desecrate his cause by any virulent expressions. The right hon. Gentleman the Member for Northumberland adverted, in the beginning of his speech, to what he called the unanimous expression of opinion in the country on this subject, But no one knew better than the right hon. Gentleman, that in the great and enlightened county which he represented, strong attempts had been made to get up an anti-Catholic demonstration, and that these had completely failed. No one knew better than the right hon. Gentleman, that in Northumberland the cause of intolerance had received a stern and severe rebuke, while in the neighbouring county of Durham also there had been no county meeting. If there was one county more important than another as regarded all the attributes of wealth—whether as regarded agriculture or commerce—it was the county of Lancaster. But in Lancashire no meeting had been held upon the subject. Then, what was the case in one of the largest towns in England—the town of Leeds? Had not the town council of Leeds come forward with a petition to the House, praying that the House would guard against any attempt at interfering with religious freedom? And what was the case of Birmingham? A large and public meeting of that important town refused to address Her Majesty upon the question. In the town which he had the honour to represent, the city of Carlisle, the town council there did not conceive it to be any part of their municipal duty to thank the Prime Minister for the letter he had addressed to the Bishop of Durham. In that course he thought every hon. Member would concur with them; for the more closely those municipal bodies adhered to the purposes for which they were instituted, the better they would please the country. It was with pleasure that he recalled, in connexion with this subject, the words of one who was at one time an ornament of their house —the late Lord Jeffrey, then Lord Advocate for Scotland—that those corporations had been, during the Middle Ages, the bulwarks of civil freedom; and now he was glad to find that the same institutions were likely to prove equal bulwarks of religious freedom. The Prime Minister of England, who had made very strong charges against the religion to which he (Mr. Howard) belonged, had very properly expressed attachment to his own creed. But when he passed the eulogium upon it of saying that it was a highly tolerant Church, he (Mr. Howard) would take the liberty of citing a few passages which he trusted would rather shake public opinion on that subject; and he would remind the noble Lord that praise, ill bestowed, degenerated into satire. What was to be said of the tolerance of twenty-six Bishops of the Establishment, who did not hesitate to designate the spiritual guides of a great number of the inhabitants of the united kingdom, and a large portion of the colonies—the functionaries from whom they themselves had drawn their orders—they designated them as inculcators of blasphemous fables and dangerous deceits. And this was addressed to Her Majesty, many of whose nearest relations professed the Catholic religion. Among others, there was Prince Ferdinand of Coburg, Prince Consort of Portugal, who was first cousin to the Queen; his brother, Prince Augustus of Coburg, who stood in the same affinity; the Princess Victoria of Coburg, the Duchess of Nemours, who was equally allied to the Crown of England; and though last, not least, there was that good and great personage the Queen of the Belgians, who was lately borne to the grave, followed by her weeping subjects; she was the aunt by marriage of the Lady who now sways the sceptre of these realms. And what was it that another prelate had said with respect to their creed? The Bishop of Oxford, in addressing his clergy, declared that the Romish system sapped the honesty of men's minds, so that there was nothing dishonest in morals which would not be patronised by them—there was nothing subjected to them which was not thereby defiled. Now, were those words which the Prime Minister deemed to be tolerant? If those words were tolerant, he was at a loss to know what was intolerance. And yet those words were used not in the heat of passion, but when solemnly addressing clergymen in the hall of Merton College—a college which boasted of a Wykeham and a Chichely. But the persecution was not confined to words. The Bishop of Durham, in a recent letter to his clergy, counselled the suppression and the expulsion of all monastic orders, and he stated that the very existence of Jesuits in England and in Scotland was unpalatable to him. That was nothing but positive and downright persecution; and it was scarcely mitigated by the fact that, as the *Morning Chronicle* observed, he would allow the confraternity to have the run of the sister country. He would now come to the long oration with which the First Minister of the Crown proposed the introduction of the measure; and here he would say that, as to the direct question of an aggression, his words were very few. He could not prove that the Catholic bishops had violated the law; and if they had not, where was the aggression? Law was not a matter of sentiment or of poetry—it was a course of action and conduct resting on precise and definite enactments. If the noble Lord conceived that the law was violated, why did he not prosecute the violators of the law? Why did he not throw upon past Parliaments and his predecessors in office the odium of the statutes that already existed? Why did he enforce upon high-minded men, as he hoped he might call them, the disgusting occupation of ransacking the neglected statutes of restriction? And why did he, in the nineteenth century, enter upon this retrograde course? he concluded that there was no aggression, because the law officers of the Crown were unable to prove it. But though the noble Lord was silent upon the subject of aggression, he went far to seek for precedents for attacking them. He had arraigned the policy of a distant potentate (the Emperor of Austria), who had removed those statutes which trammelled the liberties of the Church. He believed that that Sovereign had done wisely in doing so; that he had given up regulations by which no real power was attained, while opposition was frequently engendered; and he might add that the Emperor Joseph, who enacted these statutes, lost the brightest gem in the imperial Crown—the Austrian Netherlands—by interfering with the religious privileges of his subjects. He would now come to the accusations that had been directed against the Synod of Thurles—accusations that they had interfered with political questions. It would be in the recollection of the country that when a right hon. Gentleman opposite, then Home Secretary, brought forward a measure for the education of factory children, he was strongly opposed by the Wesleyan body, and by other religious denominations, and that opposition was mainly instrumental in throwing out the measure. He did not say that the measure deserved this opposition. What he said was, that this was a proof that religious bodies did give decided expression to their opinions as regarded the general education of the country. But it might be said that that referred to a measure which had not passed the Legislature. He would therefore come to a measure—the question of national education in Ireland—where the measure, after it had been passed by the Legislature, was opposed by a large, if not by the greater number of the Protestant clergymen of the Established Church. Now, if they had a right to interfere, why should not the Roman Catholic bishops be allowed to interfere in the question of the colleges, which were also opposed, if he was not mistaken, by other religious denominations. Against the opinion of the right hon. Secretary for the Home Department, that there was a violation of the law in the present case, he said he could get the opinion of one who had filled the high and responsible position of Secretary for Ireland, a nobleman who was not more elevated by his rank than he was endeared by the high attainments of his mind—who had earned for himself a European reputation by the noble treaty which bore, and would ever bear, the name of the Eliot Convention; by which he interfered between two hostile parties, and limited the sad havoc of intestine discord to bounds more conformable to the principles of civilisation and humanity. He begged to quote the opinions of that enlightened nobleman, as sent forth in his pamphlet on this subject, and he thought they migh well weigh against and counterbalance the expressions which had met with some applause in that House and in the country. He would next take the liberty of referring to the opinion of a departed statesman (Lord Castlereagh), and the words he was about to quote then applied to Ireland. There was this advantage in the grandeur and dignity of their cause and of the subject which they were debating, that it was not confined to narrow limits of space, but dealt with principles which were eternal. The expression he was about to quote was to be found in Charles Butler's *Historical Memoirs*, vol. ii., p. 170. Lord Castlereagh further argued against the idea that any additional evil or difficulty arose from the existence of the Roman Catholic church in an episcopal form in Ireland; on the contrary, he was of opinion that the power or authority incident to bishops was in itself *pro tanto* a salutary reduction of the external authority of the See of Rome. He also said—

> "He much preferred the ministry of bishops to that of apostolic vicars, who were mere missionaries, removable at the pleasure of the Pope, and bound implicitly to obey all orders from Rome."

If these words were applied in the present debate, they could not be more apposite, though they were spoken many years ago. He now begged to make a quotation from a very able dissertation which had also been quoted by the Prime Minister of the Crown; it referred to the office of bishop; and it was stated in it that the bare office of diocesan bishop, such as the Bishop of Birmingham, was not a dignity of which the Crown was the fountain. The office was not, and never was, a dignity at common law, and the writers on "dignity" consequently passed it over; and though illegal privileges were sometimes annexed to bishoprics, such as those belonging to the bishops of the Established Church, they were merely incidental, not pertaining to the office of diocesan bishop, which was purely a ministerial office with the cure of souls; and whereas all dignities are creations of the Royal prerogative, the Crown cannot create a bishopric even in the Established Church, and still less can the Crown or Legislature make a bishopric in the Roman Catholic church. Where, then, was the aggression upon, or the usurpation of, Her Majesty's prerogative? The Pope had only done what no other authority on earth could do; and it necessarily followed that he had neither usurped nor encroached upon the rights of the Crown, or of the nation. Those and other arguments in Cardinal Wiseman's able appeal remained to that day unrefuted. The hon. Member for Oxford had said it was impossible for a bishop to be created without the sanction of the Crown and of the Government of the country; but he must have forgotten that during 300 years of the first five centuries of the Church, which many Protestant divines were so fond of appealing to, the Christian religion and the episcopal form of government were maintained in direct defiance, at least in direct opposition to the Government of the country. They must recollect that the Emperors during those three first centuries claimed the title of Pontifex Maximus, and persecuted the Christians, who, without violating the civil rights of the empire, asserted their religious opinions in defiance of the strong arm of secular power. St. Augustine was a bishop in this country some time before the conversion of Ethelbert had conciliated the Government of the country to the Christian religion. These were well-known facts, which it would be useless to say more in support of. He would next advert to the apostolic letter of his Holiness, by which he constituted the Roman Catholic hierarchy, the first part of which was confined to a history of the ecclesiastical government, and to the sufferings of the Catholics of England during the times of persecution. That document was addressed to the Catholics, and to the Catholics alone. The Supreme Pontiff did not speak of England as if England were allied to his spiritual government. He called the attention of the House to the words used in the document, and he asked if the words used in it spoke of England as being allied in faith to the doctrines of the Holy See? Did it not rather, in a manner certainly not aggressive, speak only of the Catholics of this country and of their increasing numbers, and of the necessity that they should be under the usual government of bishops, deriving their titles and their pastoral cares and duties from sees connected with kindred and home names? Then it was said that they were trying to supersede the government of the bishops of the Established Church; and though that was amply refuted by the statements of Gentlemen not belonging to his creed, he would say, that the very same course of action had been followed up in the colonies of this country. Under an express treaty the Catholic religion was recognised in Canada, and was as much an established religion throughout Canada as the Protestant religion was the established religion by the law of this country. There was a Catholic bishop of Quebec, and there was also a bishop of the Established Church, with coterminous jurisdiction. He might also mention that there was a Latin Patriarch in Constantinople without giving any offence to the Government of the Ottoman Porte; and at Antioch there were not only bishops unconnected with the See of Rome, but there were three Patriarchs belonging to different rites—the Syriac, the Greek, and Latin rites. To whom, he asked, was this pastoral addressed? It was addressed to the clergy, secular and regular, and to the laity and faithful of the archdiocese. Was that an address which applied to the Protestants of this country? Did they address their clergy and laity under these terms, "dearly beloved in Christ, the clergy secular and regular, and the faithful of the diocese?" That certainly was an address that applied peculiarly and exclusively to the Catholics; and it would be acknowledged as an axiom that a document could affect those only to whom it was addressed. The highest and greatest authority (if he might quote it without impiety) had said, "Whose superscription is this?"—the Saviour of mankind had defined that to be the manner in which the definition of a document could be rightly interpreted. He (Mr. Howard) and the Catholics of that land, therefore, justly and decidedly said that that renowned and much-abused pastoral was addressed to the members of the Roman Catholic faith; and if there was any further corroborative testimony required, it would be the mention of those Latin prayers which were directed to be recited after the sacrifice of the mass, and which certainly the Prime Minister of the Crown could not apply to those of his own belief. Having vindicated the pastoral from the imputation of endeavouring by any overweening and arrogant assumption to include the whole realm of England, he begged to refer to the measure that had been introduced—a measure interfering with all the charities and trusts of the country, and which had not been, in that sense, called for by the hottest and most eloquent opponent of his faith. Where did they find that there had been a call thus to interfere between a man and his pastor—between the shepherd and his flock? He would say that a more wanton and arrogant aggression and interference with the private rights of property had not been attempted since he had had the honour of a seat in that House—a period extending over twenty years. The Government might depend upon it that not only their legal ingenuity but their physical endurance would be highly taxed to follow up this persecuting code. He would say that protection, as between their bishops and themselves, they needed none; and further, if the Prime Minister of the Crown had been led to suppose that they did so, the address which had been presented to Cardinal Wiseman, and the authority of their bishops and of a great body of their most talented and distinguished laymen, most decidedly contravened that fact. Protection they required none; they only asked to be left alone to enjoy their religious liberty in an unendowed Church, which claimed nothing from this country but toleration, which maintained its own creed, and would defend the creed of others when attacked. He claimed on behalf of his poorer fellow-religionists that meed of fair play and toleration which he was sure they were willing to concede to all; and if he had said aught to hurt the religious feelings of any one, it was most alien to his thoughts. He had vindicated his own creed, and he trusted he had said nothing to violate the sanctity of the temple of religious freedom.

Mr. NAPIER said, the only question, as he understood it, now before the House, was whether Her Majesty's Ministers should get leave from the House to introduce a Bill on this question of Papal aggression. In the absence of the particular measure which was proposed to be submitted to their consideration, he thought it would be unwise and unjust to the Government and to the country to enter by anticipation on a discussion of the enactments which might be found in the measure when submitted to them; but he thought it was somewhat strange, after Parliament had assured Her Majesty that they would devote their best considerations to the measure to be laid before them on the subject of this aggression of the Bishop of Rome, they should now be discussing, for the third time, at a third meeting of the House, whether any measure should be introduced, or whether they should legislate at all on the subject? Though he had heard this aggression of the Bishop of Rome palliated, excused, explained—he had not heard it defended—he had not heard it justified. It was no question of theological controversy. Let them strip it of all the verbiage and all the excitement that had been thrown around it, and what had they? They had at one side the claim of a foreign prelate to exercise ecclesiastical jurisdiction in the territory of their Sovereign, and they opposed to that the fixed principles of the British constitution and they said the claim was incompatible with their constitution. On that issue was joined, and the Government asked to bring in a Bill, not to infringe religious liberty, but to raise a barrier against future aggression. In making that proposition they were backed by the feeling of the entire people of the country—the strength, the bone and sinew of the country—they were backed by the Universities, by the Church, and by the bar of England, and also by an authority of great consideration, he meant Sir Edward Sugden, who, in a speech of unparalleled clearness, stated his calm and deliberate opinion to be that the aggression of the Bishop of Rome was incompatible with the constitution of the country, and in direct collision with, and in antagonism to, the existing laws of the realm. If that be so—if the people of this country, and the United Church of this country—if the Church in Scotland, and the different Nonconformist bodies, with one voice and heart denounced this aggression—if the bar of England said it was opposed to the constitution—and if Sir Edward Sugden, coming calmly from the retirement of his closet, was of the same opinion—was it not right that they should pass such an enactment as was deemed necessary on the subject? Sir Edward Sugden, in his expressive words, said—

> "The law on this point is in an anomalous state, and reflects little credit on the Legislature; notwithstanding I am of opinion that the law has been infringed by the Bishop of Rome and Cardinal Wiseman."

Though he (Mr. Napier) admitted the truth of the observation that the law was anomalous, and, he would add, that the invasion of this law by the Bishop of Rome might justify the Government in not going on with the prosecution under the existing law, it established a claim on the House to make the law explicit by passing such an enactment as would embody the mind of the country and the Legislature, and raise a barrier against future aggression. Let those who were opposed to that mode of proceeding meet them with arguments addressed to their judgment and reason; and let them not say they would wear out their physical endurance if they attempted to pass a law on this subject. Were not the Government to be at liberty to introduce a measure embodying the principles to which he had referred; and was the House to be bullied in this way—was the country to be bullied when it demanded a legislative enactment to suppress a proceeding which was against the reasonable, the religious, and the constitutional feelings of the country—against the voice of Her Majesty herself, and against the greatest body of testimony that was ever afforded by a nation blessed with the light and the privileges of the Reformation upon a subject so dear to their hearts, and which was so bound up with not only the happiness of this country, but, he would add, with the hopes of the civilised world? He could frankly and candidly say, whatever might have been his opinion on the subject of Roman Catholic emancipation (and that opinion still remained unchanged), that he was prepared to take his stand upon the Act of 1829; and he would say to those who were opposed to the present measure, "Convince me that this proposed measure of legislation is adverse to the Act of 1829, and I will give my vote against it." The hon. and learned Member for Sheffield and the hon. Member for Manchester had said that the proposed legislation was in violation of the principles of what they called civil and religious liberty. Now what did they mean by civil and religious liberty? If they meant by religious liberty unrestrained intolerance, then he could understand their argument; but the liberty of a community, whether civil or religious, was of necessity restrained. He would say, in answer to the argument about civil and religious liberty, that it was merely a begging of the question; because if this be an invasion of the constitution of this country, the best guarantee for the civil and religious liberty of all classes of Her Majesty's subjects was to preserve unbroken that constitution, and to throw its shelter over the laity of every denomination. How were the laity to be protected—how were the Roman Catholic laity, who could only be sheltered by the constitution from this grinding tyranny? They were required to obey the laws; then they should be protected by the constitution from all assumption of authority above the laws, be it ecclesiastical, popular, or Papal.

On this ground he apprehended some legislation was necessary, for he thought there was an attempt to introduce a foreign authority into this land, and to raise it above the constitution and law, and bring its power to bear, not only over the territory of the Sovereign, but over the consciences of Her Majesty's subjects. If there was one class more than another that was interested in having this protection, it was the Roman Catholic laity of this kingdom, for if the law and constitution did not protect them, who would protect them? He had lately read a letter from a Roman Catholic gentleman in Ireland, stating that the decree of the Synod of Thurles was an indirect persecution of the Catholics of Ireland; and some of his (Mr. Napier's) constituents, who were Roman Catholics, told him it was a tyranny over them, though they were not in a condition to resist it. The hon. Member who spoke last said that this synod had done nothing more than the bishops and clergy of the Established Church had done with respect to education; but when did they say to their people, "If you don't subscribe to our opinions you will lose all the sacraments, and be cut off from all communion with the church." He (Mr. Napier) did not object to any Roman Catholic ecclesiastic saying, "My opinion is so and so, and I so advise you;" but here was a command to act in a particular way; and under what circumstances was it passed? It was stated that nearly one-half of the body composing the synod were of another way of thinking; and yet so much were they all the vassals of a foreign Power that the synodical address was professed to be carried by the unanimous acclamation of the assembly. Even the bishops were obliged to surrender their opinions; and let them make what enactments they liked, or propound what policy they liked for Ireland, the whole sanction for it must thus be derived from the Papal authority. If, then, bishops were thus to register the decrees of the Bishop of Rome, and if the laity were bound to obey, how could they talk of their being a free people; was it not a solemn mockery? The bishops were merely the servants of the Papal power, and the people were ground down under its tyranny, and yet it was said these people were enjoying the benefits of the British constitution. Any measure that would prevent this was not only a wise and just measure, but a merciful measure. Many of the Roman Catholics, through different parts of the country, were anxious in their hearts that some measure of this kind should be passed. One or two of his Roman Catholic constituents (for he happened to have amongst his constituents several Roman Catholic gentlemen) had told him in earnest terms, "Let not us prevent you from doing whatever you think right to prevent this tyranny coming upon us and interfering with our just liberties and private judgment. The hon. Member for Manchester had argued that England was alarmed lest Popery might inundate this country, and he said that would be a great calamity; but that it was caused by the influx of Roman Catholic labourers from Ireland, and that the policy of Government had caused the Popery of Ireland. In this he (Mr. Napier) agreed. The hon. Member said that Lancashire suffered most, and added that he wished to see a chapter on retributive justice. Let the writer not forget that Lancashire has suffered for its sins. He agreed that the policy should be changed. He agreed that England must suffer by any policy which favours Popery in Ireland—but what has that to do with legislating against aggression? It came to this—legislation must be firm, and policy must be in harmony with it, otherwise the contradiction of strong Protestant enactment and strong Popish policy will leave matters worse than they have been already; for their policy and legislation, instead of being in harmony, would be brought into more direct collision. The hon. Member for the city of Dublin had said that the policy in Ireland had not been in favour of Popery, that all the patronage was given to the Protestants, and he gave a list of the patronage in the courts, and the names of the clerks, and the salaries given, and he said, what was new to him (Mr. Napier), that all the patronage was given to Protestants. That hon. Gentleman had also given a statement with regard to certain sums left by prelates of the Established Church, and said it was obtained from a return from the Stamp Office. On inquiry, it appeared there was no such return at the Stamp Office, but the return was to be found in the Prerogative Office. The hon. Gentleman gave the names of eight Prelates, but the names of five only were mentioned in the return, and with respect to those five Prelates, the difference between his statement and the statement in the public office was more than 768,808*l*. He (Mr. Napier) would say that in Ireland it was now a disqualification for a man looking for a situation to be a Protestant. Let them take the bar in Ireland. Within a few months two of its most distinguished members had retired from the Munster circuit. They were Protestants and the leaders of the circuit for years, but they had never been promoted. One of them was a most accomplished gentleman and able lawyer, he meant Mr. Henn. He asked to be shown an instance since the Act of 1829, where a single Roman Catholic had been passed unjustly over. He admitted they should not be disqualified on account of their religious opinions, but the patronage of the Government should not be exercised by putting men, because they were Roman Catholics, over the heads of their Protestant seniors, and their superiors in point of professional eminence. During the last twenty years almost all the men in the largest business in Dublin belonged to the Protestant faith, and very few of them had been promoted. That was not the way in which the patronage of the Government ought to be administered. The right hon. Gentleman the Secretary of State for the Home Department had endeavoured to make an elaborate defence with regard to the policy in Ireland, and with regard to certain communications held with the Lord Lieutenant of Ireland. Whether rightly or wrongly, it was unquestionably the opinion that the policy pursued in that country had latterly been to encourage the demands of the Papacy; and when he heard the charge made that what the Pope was doing was insolent and insidious, he thought that, however wrong or unconstitutional his act was, he had been well encouraged to take that step by the policy pursued since 1847, both in Ireland and in the colonies. On this subject he wished only to advert to the documents; he did not wish to make any severe observations, but to leave the facts to speak for themselves. There was the letter of Earl Grey in 1847, directed to the colonies, in which he said that the Lord Lieutenant of Ireland had called his attention to the fact, that the Bequests Act had given rank to the Catholic bishops. In 1847 Dr. Wiseman told them that vicars-apostolic met in London to arrange this hierarchy in England; and it appeared that all these matters had been treasured up and remembered, and formed the excuse put forward by Cardinal Wiseman for the measure the Pope had attempted in this country. Now, in that year they had Earl Grey and the Earl of Clarendon giving a wrong construction to the Bequests Act, and giving titles to the Roman Catholics both in Ireland and in the colonies, calling the dignitaries of the Roman Catholic Church "your Grace," and "your Lordship." Now he (Mr. Napier) was desirous always of treating those dignitaries with that proper respect which belonged to their social position in the community; but he did not think it was a right or a wise thing to depart from the law of the land, or from the usages of society with regard to them, and to give them a false position. Could the House have a right to say that the religion of those dignitaries was wholly founded in error if they went on at the same time putting them above Peers of the realm, and conferring on them a rank which Her Majesty herself did not confer on them? If the House or the Government addressed them in that way, they induced the belief that they were not in earnest in objecting to their religious doctrines, or that they were politically afraid of them; and if the House taught the Roman Catholics that they were afraid of them, the House would encourage them to set up a clerical organisation in the country which would destroy religion, and peril every interest that Englishmen hold dear. The right hon. Baronet had also read a letter of a subordinate about the marshalling of the persons presented at the levee in Dublin, and this informed them that, in a hurry, he miscalled Archbishop Crolly the Roman Catholic Primate. Why, Dr. Crolly was then in his grave, and sorry he was for this, for he (Mr. Napier) knew that respectable man, who, if he had lived, would scarcely have sanctioned the foreign yoke of the Thurles Synod. But the right hon. Baronet said, the University of Dublin had precedence of the Prelates of the Church of Rome. No thanks to the subordinate; he had placed these Prelates before the University. The right hon. Baronet seems to doubt, but he (Mr. Napier) was present when the vice-provost, an honest sterling man, resisted the attempt, and informed the subordinate that he would not submit to it, and that, if persevered in, he would withdraw the body. "Sir," said the subordinate, "this is not the time to raise the question." "Yes," said the vice-provest, "it is the very time for, if now allowed, it will be a precedent for future insult." Conscious of what was due to the University, with dignified self-respect he resisted the encroachment, and carried his point successfully. The subordinate retired, conferred with his superior, returned, allowed the claim, and thus was the University saved from insult. The lesson is a good one. Be firm; be fair; but suffer none to invade your just privileges. It was with great pain that he read the letter addressed by the Lord Lieutenant of Ireland to the Roman Catholic Archbishop Murray in 1848. Was this great country to be put in so humiliating a position that the Queen's representative in Ireland should send to Rome the statutes for regulating the colleges established for the education of the middle classes in Ireland, in order to obtain the Pope's confirmation of the acts of the English Parliament? That letter was taken to Rome by a priest called Ennis, who was sent there by Dr. Murray; and it was very curious that in this letter, published at Rome in 1848, of which he (Mr. Napier) had a translation from the Italian original, Mr. Ennis was very anxious to induce the Court of Rome to accede to the proposition of the English Government. In that letter Mr. Ennis took a general view of the policy of the Government of England towards the Roman Catholics for the last thirty years, to show how favourable was that policy to the Church of Rome. In every succeeding Session, he says, laws were introduced favourable to the interests and views of the Catholics. The writer enumerated the various measures that had been passed, such as the striking off of ten bishops from the Protestant Church in Ireland; the withholding from Protestants any share in the public grant for the purposes of education; and the giving to Maynooth 30,000*l.* a year for the ecclesiastical education of the Roman Catholics. This would give an idea of what those people themselves thought with regard to the policy of this country. He (Mr. Napier) said then, that if they were to assume the attitude of an independent Government, and if they were to repel this aggression, and to maintain the integrity, the independence, and the constitution of this country, let them, in God's name, take up an independent position, and say that the British House of Commons were fit to manage their own affairs, and not to ask the Pope to assist them. In October, 1848, came the rescript from Rome, authorising sacerdotal meetings to be held in future. The Synod of Thurles was an answer to the letter of Lord Clarendon. He would say one word with respect to Dr. Wiseman before he (Mr. Napier) sat down. Dr. Wiseman had adverted to the policy in Ireland; he said, among other reasons which led him and others to believe that no reasonable objection could exist to their obtaining their hierarchy, was the fact that in Ireland the Roman Catholic hierarchy had been recognised and honoured, and that the same form of ecclesiastical government had been extended to Roman Catholics in the colonies. Now, the people of England were, after all, a rational and intelligent nation; and if their opinion was that the policy in Ireland had certainly put the Roman Catholics there in a very false position, and if a corrective was about to be administered to their own Protestant Church in reference to this aggression, and they were to be told to come back to the simplicity of their own liturgy and the religious doctrine of Scripture—however that might be, he thought, and they would think, it fit and right that the Government of this country should also come back to the constitution of this country. He understood that the hon. and learned Member for Youghal intended to move that Ireland should be excluded from this Bill. If that were so, he (Mr. Napier) would be fully prepared to take the case of Ireland in hand, and join issue with the hon. and learned Gentleman on that question, whenever he raised it. Under all these circumstances of the case, he could see no reason why this Bill should not be submitted to the House.

Mr. KEOGH said, the measure now submitted to the consideration of the House was alleged to be no infringement or interference with the principles of civil and religious liberty. Certainly, if any doubt existed in the minds of hon. Members of that House that the Bill was perfectly consistent with the principles of religious toleration, those doubts must be removed when they saw the hon. and learned Member for the University of Dublin, one of the most undeviating advocates of the cause of civil and religious liberty, giving it his unqualified support. The Christian forbearance the hon. and learned Gentleman had always shown to his Roman Catholic fellow-countrymen—the peaceful attitude he had always exhibited to the House and country, when desirous of granting religious liberty to the Roman Catholics of Ireland, must assure the mind of the greatest sceptic. He could not help calling to mind that he had read the name of one Joseph Napier as being secretary to the Brunswick Clubs some years since in Ireland, and it would probably be in the recollection of the House for what purpose those clubs were organised. The merest tyro in the political history of the country knew that they were organised in all their laws and constitution with the avowed object of setting the acts of the Legislature at defiance, if these acts went in the direction of the emancipation of the Roman Catholics. And yet his hon. and learned Friend came to that House, and with the most wonderful condescension and Christian resignation, told them that he had not altered or changed his opinions with regard to the Emancipation Act. Why, the hon. and learned Gentleman well knew that if he had dared to say that he had changed these opinions, the orthodox University he represented would soon teach him to alter his notes. The hon. and learned Gentleman's statement, therefore, that whatever might be his own private views, he was not prepared to disturb that great settlement, was undoubtedly an act of great condescension; and he thought the Roman Catholics of Ireland must feel greatly obliged to the hon. and learned Gentleman. He did not think the hon. and learned Gentleman had any right, under these circumstances, to come and read the Roman Catholic Members of that House lectures upon independence—he hoped no Roman Catholic Member in that House was afraid to speak his opinions independently; and before he (Mr. Keogh) sat down, he hoped to convince the hon. Gentleman that he was not afraid of any ecclesiastical body in giving utterance to his honest sentiments and convictions. When the hon. and learned Gentleman chose to read that lesson of the freedom from ecclesiastical interference, and the independence of Irish Members, he could not have forgotten that he had come into that House the pledged opponent of the system of mixed education in Ireland, which had been marred and opposed from first to last by the very body who had sent the hon. Gentleman into that House—a body not consisting of the Protestant laity of Ireland, but consisting solely and exclusively of Protestant ecclesiastics. Was there no other measure to which that tolerant Member stood pledged? They all knew the Maynooth grant, and the reasons that had induced the Legislature and the country to accede to it—thanks to a Protestant Parliament, and thanks to a great statesman, the predecessor of the present Government—whose loss the House must regret, and to whose loss they were, he believed, mainly indebted for the extent and violence of the present outbreak of religious intolerance. Well, the hon. and learned Gentleman had come into Parliament pledged to oppose that grant. The hon. and learned Gentleman had further said that he knew that the profession of Protestantism was a ground of exclusion to preferment in Ireland. If the hon. Gentleman believed the statement he had made—and he presumed that was so—he must be profoundly ignorant of all the facts and circumstances connected with the administration of patronage in that country. He had, on a former occasion, stated that to his own knowledge it was a complete fiction to say that the Roman Catholics were excluded from the honours and emoluments of the University of Dublin. He (Mr. Keogh) had been petrified at that statement. He was a member of that University as well as the hon. and learned Gentleman, and he was prepared to show the utter hypocrisy of that statement. He could assure the House that there were no honours or emoluments to which he, a Roman Catholic, could hope to attain in that University, but that of a sizarship, which imposed services and duties generally felt to be of a servile character. There were Fellows and Scholars in the University, and no Roman Catholic could be a Fellow. The Fellows had enormous revenues, of which no accurate account could be obtained. The junior Fellows also had enormous revenues; but no Roman Catholic could be a junior Fellow. The Scholarships were numerous, and they had some small revenues; but no Roman Catholic could be a Scholar. What, then, was the meaning of the hon. and learned Gentleman's allegation, when the Roman Catholics could be admitted to no honours but those of sizarships? The hon. Gentleman had referred to the patronage in his own profession. Now, he found that in the Courts of Dublin there were twelve Judges, of these, nine were Protestants. The Lord Chancellor was a Protestant—he could not by law be a Roman Catholic. Why? He had no Church patronage, and no ecclesiastical functions to discharge. The Master of the Rolls was a Protestant; there were five Masters in Chancery; of these four were Protestants. There were two Judges in the Bankruptcy Court, both Protestants. There were thirty-three assistant barristers, and of these twenty-five were Protestants. He did not know how many stipendiary magistrates there were, but he ventured to pledge himself that the proportion of Protestants would be found three to one as compared with the Catholics. In the teeth of these facts, the hon. Member had ventured to assure the House that the profession of Protestantism was a positive disqualification for office. Was not the Attorney General a Protestant? And of the three law officers of the Court were not two Protestants—one of them the son-in-law of the Attorney General, the law adviser of the Castle? The hon. and learned Gentleman had forgotten Mr. Christian, the counsel for the Castle, although Mr. Christian's resignation had only taken place a short time since; he also was a Protestant. With all these facts, the House was to believe that the profession of a Protestant was a positive disqualification for office. He would now proceed to the consideration of the question more immediately before the House. The noble Lord had, in the course of his address a few nights since, referred to the case of a Minister in the kingdom of Sardinia, who had been refused the sacraments on his death-bed for political reasons. He must say that he was not in a position to assert whether that was true or not, but he assumed that the noble Lord was perfectly convinced of its truth before he made the statement to the House. If it were so, he had no hesitation in saying, in the presence of the Roman Catholic Members, and in the face of all the ecclesiastical authorities of the country, that nothing could be more atrocious, or deserving of reprobation of all good men, than such a circumstance. He did not believe in the possibility of such a circumstance occurring in this country—he was convinced, with the hon. Gentleman the Member for the University of Oxford, that the good, and bold, and brave spirit which the Roman Catholics of this country had shown in former periods of their history would manifest itself in such a case, and have its just reward. The hon. and learned Member for the University of Dublin inferred that the Roman Catholic Members were subject to the control of the Roman Catholic priesthood. Now, he would say for himself that in the private affairs of his life the idea of any interference of any curate, priest, prelate, or cardinal, was perfectly absurd—he repudiated all idea of any such interference, either in his private affairs, or any tampering with his allegiance or obedience to the laws and constitution of the country. And he would tell the noble Lord, that if he believed there were any grounds for the allegation on which this measure was based, namely, that it was an interference with the Queen's prerogative, and an interference with the constitution of the country—if he believed that there was any assumption of territorial authority, or any insult to the Sovereign or the Protestant subjects of the country—he would concur with the noble Lord in bringing in this measure. It was because he did not believe in any of those assertions that he was induced to give it his opposition. One of the points urged by the hon. and learned Gentleman who spoke last had been answered by himself. He began, as was usually his course, mildly, and ended his address rancorously. Now, intention was the essence of an insult, and if no intention of insulting existed, there could be no insult. The noble Lord's letter, when it came to Ireland, had produced much irritation; but he admitted that the explanation of the noble Lord was frank, bold, and manly; and he accepted his denial that there was any intention to insult the Roman Catholics. But why did not the noble Lord concede to others that they did not intend to offer any insult, when they so solemnly assured him of it? But how did he meet this statement of the noble Lord? By referring to his conduct in 1845–6, when the noble Lord actually treated with ridicule the very proposition he was now seeking to obtain the sanction of the House to. According to the hon. and learned Gentleman, the course of policy the Government was pursuing must have led the Court of Rome to believe that the appointment of bishops and archbishops would not have been unacceptable; and how then could the Court of Rome have meant to insult that country, when, according to the hon. and learned Gentleman's statement, they had every reason to believe that it would have been acceptable to this country? The hon. and learned Member for Oxford had stated that both the statute and common law had been violated by the assumption of these titles. Now, what was the statement of the noble Lord in his opening speech, when he was anxious to give the House the satisfaction they had been looking for ever since the publication of his letter? He said he had consulted the law officers of the Crown, the Attorney and Solicitor Generals, and both these Gentlemen were of opinion, that by the assumption of these titles the statute law was not violated. They said, that it was no invasion of any privilege exclusively vested in the Sovereign, and therefore no transgression of the common law. In that he perfectly agreed. He admitted that an invasion of these privileges would be an offence at common law; but who would venture to assert that the creation of a bishopric of the Established Church, of which the Queen was the head—although some of the most distinguished lawyers and ecclesiastics had ventured to contest that proposition—who would venture to assert that that was an offence at common law? He (Mr. Keogh) would assert that it was not. In the reign of Henry VIII. the privilege rested exclusively with the Sovereign; but that Act was repealed. The 5th of Victoria gave power to the Queen to establish bishoprics in the colonies; which, if the power was vested in her, would be altogether an unnecessary piece of legislation. That was the common law. He reminded the House that when the Emancipation Act was being passed, the hon. Baronet (Sir R. Inglis) proposed a clause, that the Roman Catholic bishops should be prohibited from taking the titles of the sees of the Protestant bishops; and a clause was also proposed in the House with reference to the Roman Catholic bishops being excluded from seats in the House of Lords. Both these propositions were rejected. But then it was said that there was an assumption of territorial power: that assertion had been bandied about at every public meeting throughout the country. What territorial power did the titles to these sees confer on them? Did it give them any jurisdiction? Did it give them a single farthing of revenue? Or did it entitle them to compel even a Roman Catholic to do anything contrary to his own will? He remembered reading in Sir James Macintosh's *History of the Reformation in England*, in reference to the power of the clergy, that it was nothing but a spiritual ascendancy over the minds of those who volutarily submitted to it. Was it anything that could be defined or enforced? No; and where, then, was the assumption of territorial power? The hon. and learned Member for Oxford had referred to the briefs appointing the vicars-apostolic, and had admitted that he found them word for word the same as those appointing the bishops. What mystery, then, was there in the word diocese, that did not exist in the word district? Where was the territorial assumption in the one any more than in the other? In the noble Lord's celebrated letter, which he believed the noble Lord's best friends would wish he had not written, he said that it was impossible to confound the recent measures of the Pope with the division of Scotland into dioceses by the Episcopal Church. The noble Lord must recollect that the first anti-episcopal Act was passed in 1669—that it was put in force shortly afterwards; but the crowning Act was passed in 1707, when it was enacted that not only was Episcopacy abolished, but Presbyterianism established as the governing religion. Her Majesty, at her coronation, had sworn to respect the statutes of the kingdom of Scotland; and it was singular that since the late terrible Papal aggression, the Scotch Episcopal bishops had addressed the Crown, and that address had been most graciously received—received, he supposed, as graciously as that other address of twenty-eight bishops of the Established Church, who, appealing not alone to the Protestant population or the Presbyterian population, but to the Sovereign of the population of the kingdom, containing inhabitants of all sects and denominations—in which appeal these meek prelates, standing up for religious toleration, had described the religion of 10,000,000 of their fellow-subjects, and 200,000,000 of the human race, as a tissue of blasphemous fables.

LORD J. RUSSELL was understood to dissent.

MR. KEOGH saw the noble Lord consulting with the Home Secretary, but he believed the fact would be found as he had stated. He could give the very words.

SIR G. GREY: No such address has been presented to Her Majesty.

MR. KEOGH informed the House that it was an Address to the Queen from the Christian Knowledge Society. He was surprised there could be any doubt of the fact in the mind of the right hon. Baronet, whose peculiar province it was to receive those addresses. The right hon. Baronet, however, could not escape from that. But he reminded the House, further, that the noble Lord and the right hon. Baronet, at a former period of their history, when their ideas on this subject were not so confirmed, had declined to receive an Address signed "John, Archbishop of Tuam." Why? Because it was contrary to the provisions of the Emancipation Act. But he received an Address signed by the Bishop of Aberdeen, the Bishop of Glasgow, the Bishop of Argyle and the Islands, although that was contrary to the statutes and constitution of the realm of Scotland, and was in direct contravention of the oath taken by Her Majesty at the coronation, to respect the statutes of the realm of Scotland. He was not there to complain of that—he did not complain of the conduct of Lord Clarendon—he did not complain of the conduct of the noble Lord at the head of the Colonial Department, because he thought the noble Lord would be unfit for his high position if he did not hold communication with the heads of the Roman Catholic communion. But he complained of this, that after those speeches and those letters to Roman Catholic bishops and Colonial Governors, which had led all parties at home and abroad to believe that the appointment of bishops would be acceptable, they now turned round and said they would enact a penalty for assuming those titles. He would say nothing about the letter of Lord Clarendon to Archbishop Nicholson. He did not think that was a letter which should have been brought forward. It was manifestly an evasion of the courtesy which was due from one gentleman to another, because it was marked private, and it was the duty of the person into whose hands it fell, under these circumstances, to return it to the writer. He would make no comment on that letter, but he felt bound to comment on the acts of the Government, which for a series of years had led the Catholics and the See of Rome to believe that the measure would not be unacceptable to the English Government. The noble Lord had told the House on a former occasion the story which had been often referred to, that it was not every man that could be intrusted with a memory; but there was another noble Lord who was afflicted with an unhappy memory. The noble Lord had told the House that he had not given his consent to this measure, and that it had not been even asked. In the years 1844, 1845, and 1846, when the noble Lord was sitting on the opposition benches, he had stated that he thought the prohibition to use the titles of those sees was a most foolish prohibition. That was in the year 1844. In the year 1845, when the heat of battle was stronger, and party animosity greater—when the Irish Members were to be conciliated, and Catholic Ireland was to be brought to "the scratch;" in that year, when the statesman whose loss universal Europe deplored was to be driven from office, the noble Lord said he could not see any good grounds for such a restriction. What! those very restrictions which he now, in 1851, seeks to re-impose and make more stringent. He then came to 1846, when he made the pithy observation which might be said to conclude the question: "As to preventing persons assuming particular titles, nothing can be more absurd and puerile than to keep up such a distinction." Now he asked the noble Lord, when he was thanked for what he had recently done, what compunction must he not have felt when receiving the grateful thanks of the Member for the University of Oxford? The noble Lord had passed thirty or forty years of public life in distinguished statesmanship, and an honourable career in the vindication of the religious liberties of the country; while the hon. Member for the University of Oxford, from the first hour of his entrance into public life down to the present moment, had been, as he was often described, the consistent, unswerving, unchangeable supporter of intolerance and—he spoke without meaning any offence—of consistent bigotry. Was not this an extraordinary conjuncture? He would say nothing about the approval of the hon. and learned Member for the University of Dublin, because everybody knew that he was the consistent friend of civil and religious liberty! Now, with regard to the Synod of Thurles that had been held many months ago, was there one word about it in the letter of the noble Lord? There was a great deal about Puseyites, and the mummeries of superstition and auricular confession; but although the noble Lord took a very wide circuit, he had said nothing whatever about the Synod of Thurles. So gross an invasion of the privileges of the constitution and of the law of the land, must have been as fresh then as it was now. But now he would tell the noble Lord, that, so far from the educated Roman Catholics of the country being disposed to submit unless they obtained the protection of the hon. and learned Gentleman the Member for the University of Dublin, who said that they had consulted him on the subject—that, so far from these Catholics being prepared to submit quietly to everything that had been done at the Synod of Thurles, so far as it had trenched upon civil rights and opinions, he could tell the noble Lord, for he had it from the lips of some of them, there was a movement on foot to declare their opinions on the subject—he would not say what those opinions were—when they were stopped in carrying out their intentions by the extraordinary course of the noble Lord himself. Now let him appeal to the noble Lord in regard to some of the details of the measure. Has he maturely considered what the effect of his proposition will be in respect to Ireland? He was not going to ask the noble Lord whether he had considered its effect as regarded public opinion, although there was a time when public opinion was courted by him, though he might now be disposed to disregard it. Had the noble Lord considered what would be the effect of such a measure upon the Roman Catholic Church of Ireland? Now he (Mr. Keogh) believed—and he mentioned his apprehensions to hon. Members around him, who said that they had not taken that view of the Bill into their consideration before—he believed that if the noble Lord carried his Bill into law—a Bill which he thought was prepared without one single Roman Catholic being consulted—that as far as it regarded Ireland the effect would be, to put a stop to ecclesiastical functions in that country. There was an eminent Irish prelate, recently in London, who was present during some of the debates that had taken place upon this subject. This distinguished dignitary had never taken any part in the political agitation of his country, nor had he ever assumed the episcopal title against which the noble Lord directed his enactment. This right rev. gentleman had carefully listened to all the details of the proposition, and he has declared, first, that he will not violate the law, and, secondly, that, without violating the law, he cannot exercise his episcopal functions if the act of the Government be carried out. Has the noble Lord weighed well this fact? He has, no doubt, consulted the Protestant and Presbyterian party, while he dealt a heavy blow and great discouragement to the Puseyites. But has he maturely considered the effect that his measure would produce in Ireland? Was he prepared to raise the fell spirit of religious hatred which had almost subsided in Ireland? Has he taken counsel with Her Majesty's Attorney General for that part of the united kingdom? He (Mr. Keogh) hoped that no prelate would be induced to disobey the law. But if one dared to do so—has the noble Lord consulted the Attorney General upon the step of framing a bill of indictment against the ecclesiastics of 6,000,000 of Her Majesty's subjects? Will he be prepared to send a Protestant attorney general and a Roman Catholic solicitor general to conduct such a prosecution against the Catholic Archbishop of Tuam? We have had quite enough of laws upon the Statute-book which have not only never been enforced, but which were never intended to be enforced. He did not, of course, wish to incite the Government to criminal prosecutions. On the contrary, he thought that it would be much wiser for them to refrain from such proceedings. Of the obsolete laws in the Statute-book he was not asking the Government to revive any of them. But he asked them not to encumber the Statute-book with any further laws, however maturely and advisedly considered, which were not intended to be put in execution. Was the noble Lord prepared to place the Roman Catholic bishops of Ireland in the common dock as felons? He wished, in conclusion, to say to the noble Lord, while at the same time he reminded him of the words addressed by himself to his predecessor in office, in the way not of intimidation but of advice, "That just retribution would overtake a man who, not appealing to sound and enlightened public opinion, laid hold of some popular prejudices or mistaken notion in order to ground his power upon for deluding and misleading the people."

Mr. C. ANSTEY considered the case which the hon. and learned Gentleman had made for excluding Ireland altogether from the Bill was unanswerable. The Irish Church was able to protect itself. The hon. Member for Meath, when speaking on this question the other evening, expressed his regret that the Emancipation Bill of 1813 — which contained the veto — did not receive the Royal assent. By whom was that Bill recommended? By the Pope. He held in his hand an extract from the current history of the period, from which it appeared, that although there was great reason to apprehend that the Catholic bishops of Ireland were in favour of the view expressed by the Court of Rome, first the laity, and then the clergy, unanimously passed resolutions declaring that the document from Rome was non-mandatory, and not entitled to their obedience and respect. So strong was the pressure of public opinion on the subject, that the bishops also met and unanimously voted that the Papal rescript was not mandatory nor obligatory on their obedience.

What was the consequence? No sooner did the Court of Rome receive the intelligence of the unanimous and patriotic disobedience of the clergy and laity of Ireland, than the Cardinals met too, and unanimously came to the resolution that in no way would they for a temporal advantage insist upon the measure. That was the way the Court of Rome was met when it attempted to dictate to the Roman Catholics of Ireland in 1813. Since that period no similar attempt had been made by that Court to dictate to the people of Ireland. The object of the present Bill being to redress a grievance which had occurred in England, he could not understand upon what principle clauses had been introduced applying to Ireland. He had now only repeated what he had said on a former occasion, that the Roman Catholics of Ireland were enabled by canon law to resist any attempt of the character of the late letters-apostolic by which a self-elective hierarchy was created in England. The Irish clergy were empowered by their present constitution to do everything at home for themselves, and they had no occasion to go to Rome, except in the last resort. The titles which it was proposed to prohibit by this Bill as regarded Ireland were titles not imposed by a foreign Prince, but assumed by British subjects. Why should not British subjects in Ireland be allowed to assume titles of the same character which were allowed to be assumed with impunity by British subjects in Scotland? The bishops of the Episcopal Church in Scotland would still be allowed to style themselves bishops of their respective sees, without permission of the Crown; and why? Because the titles were not imposed by a foreign Prince. The titles which the Irish Prelates bore, and which they meant to bear, whether this Bill passed into a law or not, were titles which they assumed, and were not imposed by the Pope. These titles they enjoyed in unbroken succession from the time of St. Patrick. It was by prescription that these titles were obtained. But that was not the case with the new English hierarchy. Now this obvious distinction was entirely lost sight of in the proposed Bill. In England, not only sees were created, but titles were imposed, and it was impossible for those who wished to obey the Pope to decline the assumption of them. If the Bill was to deal with titles at all, it should be confined to England. But, in the first place, he thought it was foolish to deal with titles at all; and yet, in the second place, if they dealt with them they should confine the Bill to England alone, because the letters-apostolic related to England exclusively. It was, nevertheless, but on quite other grounds, his deliberate opinion, from the nature and character of those letters, that the act was one of foreign aggression; although he did not consider that the Bill in its present form was a legitimate consequence of their Address in answer to the Royal Speech. He maintained that they ought not to interfere with the liberty of every man in this country — subject, of course, to the courts of justice and the departments of State refusing their recognition—to assume what titles he pleased. Suppose some one were to assume a *pseudo* title of nobility, would he be prosecuted for it? Not if he alleged he had any right whatever to it, because no court of justice would preclude the possibility of his establishing his title before the House of Lords by entertaining a prosecution. He might mention the cases of the Earls of Newburgh and Stirling, which were decidedly in point. To attempt to interfere with titles assumed by Romish bishops in England, would, he contended, be useless to repress the real evil—to do so in Ireland would be mischievous and oppressive. The Government were mistaken in supposing that territorial titles were essential to hierarchical and synodal action. To forbid the assumption of territorial titles, would not prevent the bishops from dealing with the temporalities of the Church. By a clause in the Pope's brief, which seemed to have escaped notice, the powers of vicars-apostolic were continued to the new bishops, and, as vicars-apostolic, they would be able to enjoy that power and liberty of action which it was the intention of the new constitution to confer upon them. The Bill was therefore defective in this respect. It was defective in another point, because it dealt only with the case of future temporalities. It no way touched the actual difficulty which he had suggested on a former occasion, namely, that it is now impossible for any court of law or equity, according to the provisions of the Relief Acts, to refuse the assistance of the Queen's writs for the purpose of enforcing the letters-apostolic of the Pope, to the prejudice of existing trusts? For the sake of the illustration, he would mention the case of the Scotch Church in England — as foreign a Church as that of Rome. Now the property of the Scotch Church was governed by the temporal law of the land acting in aid of the private law of that Church, as altered or amended from time to time by its General Assembly. At one time the General Assembly passed a law recognising the independence of the branch of the Scotch Church existing in England. Now, it happened that when the disruption of the Church of Scotland took place a few years ago, the synod and a vast majority of the Scotch Presbyterians in England adopted resolutions expressive of sympathy with the Free Church party. The Church of Scotland consequently excommunicated them, and rescinded the Act by which the independence of the English Presbyterian body was guaranteed. The consequence had been that the English Court of Chancery, in three recent cases, apparently against the private opinion of the Judges, had been obliged, such was the infirmity of our legislation on such subjects, to give effect to the excommunication, and to eject every minister and trustee who happened to entertain those speculative opinions in favour of the Free Church of Scotland. How much stronger, then, would be the case of the Church of Rome, the mother and mistress of its English branch? In a case like the present it was not unimportant to bear in mind that the new Roman Catholic hierarchy was, as yet, only a contemplated hierarchy. No hierarchy was established in this country, because none could be established without the previous establishment of the canon law, and, as the canon law did not exist in England, therefore the priests of Beverley who had remonstrated with the Cardinal were justified in supposing that no hierarchy had as yet been established. The thing which they apprehended was the establishment in this country by the Court of Rome of what might fairly enough be called an autocracy; and in noticing this part of the subject he might observe, that there was a clause in the brief enabling the bishops to prevent the priests from having the benefits of the canon law. [The hon. and learned Member here read the petition of the clergy of Beverley.] That the general clause of abrogation contained in the brief was a matter of form, he begged leave altogether to deny. Perhaps it might be in a certain sense a matter of form, but it was also a matter of substance, in its nature very material and important. [Mr. Anstey here read a brief of Gregory XVI. to the Indian Catholics, in illustration.] He must say that, if it had devolved on him to prepare a measure on this subject, or if he were then to say what sort of Bill he should be prepared to support, he could have no hesitation in declaring it to be not such as this, but rather one which would not be penal, or interfere with any class of Her Majesty's subjects. But because there was danger to the temporal rights of the Catholics of this country from the proceedings of the Court of Rome—because there did not appear to him the least ground for apprehending that that danger was imaginary—he should certainly be prepared, although opposed to this Bill, to support such restrictions as would go far to render that danger a remote one. He should likewise be disposed to support measures for vesting in lay persons alone the management of all our charities, with a view to prevent its being possible for the Court of Rome to exercise any influence over the administration of those temporalities in this country. But his chief objection to the present Bill was, that it, for the first time, treated the Irish and English Roman Catholic Churches as though in their condition they were not as dissimilar as it was possible for two Churches to be. The Irish titles are not illegal, unless by the Emancipation Act of 1829. But the English titles, as Dr. Twiss has given good reasons for supposing, are otherwise illegal; the prohibition contained in the Emancipation Act being not the only portion of English law which rendered them illegal. Before the first Relief Acts, the existence itself of Roman Catholic bishops, or archbishops, whether in England or Ireland, was illegal, and it was not the mere assumption of titles that constituted the illegality. The Relief Acts of 1791 took the then existing hierarchies, with their titles —that is to say, the archbishops and bishops of Ireland, and the vicars-apostolic of England—and legalised both, and secured both against foreign or domestic encroachment. In some respects, the Act of 1829 had impaired the value of that concession; but still the Roman Catholic Archbishop of Tuam, for example, had a perfect right to the title which he bore. With regard to the English Roman Catholics, he thought himself justified in saying that they desired to see Parliament legislating, not, certainly, in the spirit of the Bill of the noble Lord, but, in one sense, in a stronger, though in a different way. As respected himself, he could not conclude without noticing the circumstance, that he had been blamed for the distinction which he had taken between the Court of Rome and the Church of Rome—a distinction which he conceived to be real, and which he thought was sufficiently intelligible to all. He had been taunted, too, with having accepted a decoration from that Court. He could only say, that it was conferred upon him in 1847, when Pius IX. was zealously working out his reforms in Church and State; and the immediate object of the distinction was, to signify the Papal approbation of his (Mr. Anstey's) endeavours to put an end to the maladministration of the Catholic endowments of this country, by a Charitable Trusts' Bill. And now he should state in a few words the course which, practically, he meant to pursue. He should move the omission of every clause in the Bill relating to Ireland, but he should also use his utmost endeavours to amend the Bill in another sense, and for the benefit of the English Roman Catholics, their liberties, properties, and rights. In conclusion, he felt bound also to say, that, though he opposed the Bill, he did not participate in the denunciations which had been levelled against the noble Lord for deserting those principles of civil and religious liberty which he had always maintained, and to which he had heard no reason for doubting the sincerity of his attachment.

MR. SPOONER said, he had no intention of following the last speaker through the course of observations which he had addressed to the House, and he should perhaps not that day have addressed the House if it had not been for the challenge which was put forth by the hon. Member for Carlisle. The accuracy of the charge he denied, and would again refer to it; but, for the present, he wished to remind hon. Members that they must have foreseen that such a measure as this would be brought under their consideration when they themselves had addressed Her Majesty on the subject, and had promised that they would devote to it their attention. The question was, should they, or should they not, then proceed to consider as a question for decision, whether they would adopt a measure which they had already pledged themselves to carry out? Surely it was not the way for them to carry out that promise thus to enter into the mere details of the Bill, and that, too, of a Bill not yet before them. On the whole, then, he thought that it would be better as speedily as possible to close the debate for the present, and without further delay to let the noble Lord lay his Bill upon the table of the House. He had not any fear of the charge of "bigotry," which had been preferred by the hon. and learned Member for Athlone against the other Members of that House; and he would avail himself of that opportunity to thank the noble Lord for the frank and straightforward letter that he had written, as well as for the bold and manly tone of that speech with which he had introduced the measure to the notice of the House. If the noble Lord found himself in any difficulties out of the House, he (Mr. Spooner) should still call on him to stand by the speech he had made, and the letter he had written. Finally, if the noble Lord were unfairly pressed, he should recommend him to throw himself on the Protestant feeling of the people of this great country, who would not allow their Queen to be insulted, and their own principles to be outraged. In the course of the present discussion some fault had been found with the language of one of the Addresses presented to the Queen; but he must be allowed to remind the House that that language was derived from the Articles of the Church. And now, as to the challenge he had received from the hon. Member for Carlisle, who had stated that the great meeting at Birmingham against the Papal aggression was a failure, the hon. Member had come to an erroneous conclusion when he supposed that the large and populous town of Birmingham was not in favour of some measure to put down the Papal aggression. That meeting was not a failure. There was great difference of opinion — there was great confusion at it. He would make no further remark about it than that. An amendment, to the effect that no legislation was necessary, had been moved, and it had been negatived by a very large majority; and, that having been done, a great many persons supposing the business of the day thus concluded left the meeting, so that, when the original resolution was proposed, the mayor declared that it had not been carried; but many doubted that the mayor had come to a right conclusion on the point. Never was there a question on which there was so much of what might be called all-but-unanimity as against the Papal aggression, and the determination to meet it and put it down. The noble Lord had well begun the work which he had undertaken, and it was to be hoped that he would go on in the same path. If he did so he might rely on the support of the people at large, as well as of the House of Commons. He trusted that the noble Lord would excuse him, if he said that the explanation which he gave of the Bill, and the second explanation given by the hon. and learned Attorney General, had fallen considerably short of the expectations entertained by the public. He trusted, however, that when the Bill came before the House it would exceed such explanations as far as they fell short of the noble Lord's letter and speech. Again, he would advise the noble Lord, if he encountered any difficulty, to throw himself on the country. In conclusion, the hon. Member called upon the noble Lord to maintain the constitution in all the fulness of its Protestant character; that constitution which was the best security for the maintenance of civil and religious liberty, the abandonment of which might justly make us fear the withdrawal of those blessings which, through the mercy of Almighty God, the nation has so long enjoyed.

Mr. A. J. B. HOPE said, that the views which he had expressed a few nights since upon this subject had not been altered. He did not wonder, under the very trying circumstances in which the Government were placed, that they should have brought forward a measure which they believed adapted to meet the emergency of the time; but he was surprised at the worrying, vexatious, yet totally inoperative details which had been laid down by the Attorney General in his exposition of the Bill. That astonishment was not diminished when he saw his honourable and learned Friend the Member for the City of Oxford, the champion of civil and religious liberty, supporting that measure. Had he been a visitor to that House, one of those persons for whose accommodation the galleries were provided—had he been one of those individuals who were not recognised, and yet were accommodated, like the Roman Catholic bishops of Ireland, and had he listened to that speech, and asked any one who it was that had just spoken, and that person had told him that it was the hon. Member for the city of Oxford, he (Mr. Hope) should not have believed him, and he should have said, "You mean the hon. Member for the University of Oxford;" and no assurance on his part would have satisfied him that he had made this slight mistake in the persons of the Members. He had listened attentively to the debate, and had heard many reasons alleged with clearness, ability, and sincerity by the hon. Member for the University of Dublin for repressive legislation against the Roman Catholics, but not one argument in favour of the Bill before the House. Indeed, every argument seemed to him to lay down that the evils to be apprehended from Roman Catholics were evils to be apprehended from their system. They had heard of the great spiritual power ecclesiastics maintained over the laity, and there was a necessity, it was said, of putting the laity in their just position—a necessity, in short, of guarding against priestly tyranny. How was it intended, then, to put the laity in their just position, and to give the laity the protection which they demanded as citizens? Was it the legislation which would compel clergymen to act in the dark?—compel the synodical action to be clandestine?—compel bulls and edicts to be smuggled in, instead of being published and subjected to the scrutiny of the public press? Nothing would so much tend to produce such tyranny. If anything would tend to perpetuate such tyranny, it would be legislation such as this. Does any man who has studied the history of the Roman Catholic Church, in its energy and perseverance, for one instant suppose that this, or any other measure, would at all tend to check its career? The synod might not be held in Westminster, under the Gothic roof of one of the churches which the Roman Catholics have built; but would it not be held in some private room adjacent to the church? The edicts would not go forth signed by the Cardinal Archbishop of Westminster. But they could not violate the penny post. They could not prevent printed or lithographed copies being sent round, either by the penny post, or any other means, and being received by those for whom they were intended, nor could they prevent them taking effect with those with whom they were destined to take effect. The arguments of the Member for Oxford and the Member for the University of Dublin might be very germane to a Bill to compel Roman Catholics to disbelieve the infallibility of the Pope; but for any other object they were simply inoperative. They did not meet the evil which they alleged to exist, but they did tend to aggravate the risks and dangers which the Roman Catholic laity might run from this assumption of authority on the part of the Pope, and which it was convenient for the noble Lord to bring forward as his alleged reason for this Bill. The noble Lord had claimed to mediate, as Minister of the Crown, in the Imperial Parliament, between the different members of a religious denomination not established. This was surely a new function of Government. The noble Lord was not now his own master. *Litera scripta manet.* The *cacoethes scribendi* had been his bane. The noble Lord had written a letter to the Bishop of Durham. Like the man in the novel by an eminent authoress whose death he saw recorded in the papers a few days ago, he could no longer control his own creation. Like the foolish necromancer, he raised a spirit, but knew no charm wherewith to lay it. He must do something. The law officers of the Crown had reported, with reference to the new hierarchy, that the law did not touch them. Had he not upon that unhappy day written that letter, he would not now be compelled to take his present step. But the mistake placed the Minister in the position in which he now was. The thing which the Catholic hierarchy wanted in England was, position. That position they would, under the ordinary course of things, have to make for themselves. But the noble Lord had, with an unwilling generosity, made it for them. He might have ignored their existence, and let them wear away with neglect; but by this tedious, vexatious, and inoperative persecution, he had, with very little damage and detriment to themselves, put them on the enviable pedestal of easy martyrs and quiet heroes. The noble Lord was very eloquent about the insult to himself and the Government which had been heaped upon him by this aggression, and that complaint was forced upon him by the course which the agitation took. However, there was one view of the question which he (Mr. Hope) was very much astonished had not been more taken, to which he would call the attention of the House. A few years ago a Bill was brought into the House by the present Government to restore diplomatic intercourse with the Court of Rome. That Bill originally styled the Pope under his highest spiritual designation. It called him Sovereign Pontiff, and on the part of our Government recognised him by a purely spiritual title. Subsequently that title was struck out of the Bill, and it passed merely as a measure to restore diplomatic intercourse with the temporal Sovereign of the Roman States; in which position, as temporal Sovereign of the Roman States, he had no more to with the establishment of the hierarchy than had the Grand Duke of Tuscany. The Bill was then to restore diplomatic intercourse with the temporal Sovereign. Would not, then, a man of common sense—whether a member of the Church of England, a Presbyterian, or a member of any other religious denomination—suppose that the Bill was then impliedly without reference to spiritual matters, and that in matters attaching to his position as Sovereign Pontiff, and not as a temporal Sovereign of the Roman States, the British Government neither inquired with respect to him, nor desired to have any official communication with that Pontiff? The Pope very naturally acted up to the character accorded to him. He unofficially showed to Lord Minto, the unofficial diplomatist, a paper lying on the table, which he said concerned England. The interview with the Pope was unofficial—the display of the document was unofficial; and very unofficial indeed was the manner in which that noble Lord received it. The noble Lord informed the House that the Bill was merely the retrograde step of a man who stepped back in order to assume a defensive position against a blow struck at him; but he contended that it was the retrograde step of a man who intended to return the blow, while the party whom he intended to hit slipped away from under him, and laughed at the clumsy manœuvre. The hon. Member for Sheffield had said, that the Government was like one of those establishments which were formed without capital. Every thing went on smoothly and fairly for a time—there was a brilliant plate glass front to the shop, for the purpose of showing the goods; there were genteel young men attending behind the counter, and the master shopman was as brisk and pert as possible. But such a state of things could not go on. From where is the money to be supplied? Money must be had. Money is borrowed—money is borrowed at 40 per cent. The noble Lord has borrowed money at 40 per cent from the Jews. Had they not seen the noble Lord, year after year, rise up, and heard him denounce the atrocious bigotry which has heaped privileges on the Roman Catholics in Ireland because they were many, and imposed restrictive impositions on the Jews because they were few? Money has been borrowed at 40 per cent—it has afterwards been borrowed at 80 and 100 per cent; and then it is borrowed at any sum or rate of interest for which it can be obtained. At last comes selling off at cost price at a ruinous sacrifice; the large placards are up; then the shop windows are closed; then the sponging-house, and Mr. Commissioner Phillips' lecture. At the same time he did not mean to blame the Government for the inoperative character of the measure. He was satisfied that the noble Lord had sunk his own consistency to pay importunate creditors. Good money could not be procured without toil or bloodshed; and so the noble Lord, having his coffers filled with fairy money that would vanish away before the touch, paid his creditors with it, not caring that it would turn to withered leaves before it was put into their pockets, and not caring under the present emergency for their just indignation. He (Mr. Hope), as a lover of social order, did not mind this; all he cared for was that bloodshed was avoided. He pitied the noble Lord as little as he respected him; and he left him to settle the account, which would be a very long and difficult one, between the numerous classes of creditors who were about him—between his old friends and his new friends—between his old enemies and his new enemies—between the ancient principles of liberalism which he had for so many years supported, solemnly renounced, and those assumed to meet the temporary emergency of a letter written with all the haste of an angry temper.

Colonel THOMPSON would never be party to any quarrel with either English or Irish Catholics; but he must maintain there had been an aggression from a foreign quarter. The way not to see an aggression, was to look for it in the wrong place; but if looked for in the right, there was plenty of it here. When the French General had brought back the Pope to Rome over the bodies of his subjects, a message was sent to this country, in which might be traced the memory of Waterloo, and which, with an amiable consistency and in strict accordance with the custom of States between whom friendly relations existed, began with an allusion to the sovereign who was exiled in the very year alluded to in the Letter-Apostolic. He did not know whether hon. Members were aware that a representative of that family was at present living in America. He very often corresponds with me. [*Loud laughter.*] I have a notion he corresponds with most Members of this House, and he holds out the abolition of the national debt as the inducement to join him. He (Colonel Thompson) had, during last Session, given his communications to two Members of Her Majesty's Government; so he hoped he should not be charged with misprision of treason. About the time of the Three Days of July in Paris, the individual in question wanted to challenge a respected Member of that House (Dr. Bowring), and he believed was making friendly inquiries after himself, for having printed the words "the obsolete tyranny of the Stuarts." He consequently believed in the existence of such an individual; and there could be no doubt the French General would have sent him to our shores instead of a Cardinal, if he had thought there was any use in it. Then again, if the Pope had chosen for the dignity of Cardinal a member of some aristocratic English family, such as those of which they saw with so much pleasure, the representatives upon these benches, the case would have been different; but instead of that, he had selected an individual Spanish-born, or at all events Spanish-bred, as if on purpose to terrify timid Protestants with the idea that he had the programme of the last Auto-da-Fé in his pocket. Such things were nothing if they were not aggressive. He believed, too, he could improve the reading of the noble Lord (Lord John Russell); for, from what he had been able to collect, though he had not been able with his eyes to see the original print, the language of the organ of the French Legitimists, the *Univers*, had been, not that the time had come for restoring Catholicity in England, but that the time had come for putting down Protestantism by force of arms. He had heard during this debate eight distinct allusions to a body with whom he had hereditary connexions which he was never desirous to conceal. The House was told that the Wesleyan Methodists divided the country into districts. No doubt they did; and there was more than that, which he could only suppose was left unmentioned, on account of the inference which it was felt would be derived. They had societies, and districts, and doubtless superintendents too, in France; and when he was at Boulogne, he asked the English Consul how the Methodists conducted themselves. The Consul replied, "The Methodists are the best subjects I have"—hon. Members knew how Consuls were in the habit of talking about their subjects;

—"the other sects are always quarrelling with somebody, and the Methodists never quarrel with anybody." If the Catholics had conducted themselves in the same way, they might have done anything they could reasonably have desired, without anybody crossing the street to hinder them. But suppose the Methodists had sent a Superintendent and a Circular to France, and had begun by declaring, that within the memory of man the king of England used the title of King of France, and had further referred to the days of Agincourt and Cressy for confirmation that France had been, and therefore always would be, a dependency of England—would not they have done precisely what the Pope had been moved to do now, and with a like result? He confessed he should have been glad if the noble Lord at the head of the Government had gone further than he had by this Bill. What were we to do if the French General at Rome, or the Austrian General at Hamburgh, should move the Pontiff to issue a bull forbidding Roman Catholics to enlist in the army, or directing them to leave their colours? How was such a bull to be met? Was there any provision in the present Bill for such a contingency? He should have recognised more foresight, in supplying the Acts of the 5th and 13th of Elizabeth with reasonable penalties, such as he had no doubt the penalties in the present Bill would be. In saying this, he protested against such terms as "detestable bigotry" and "wretched fanaticism" being applied to himself; for any who knew him at all, knew that any title he ever had to being considered as a man fit to sit in that House, commenced with his giving his best assistance to obtaining political equality for our Catholic fellow-citizens.

MR. HUME deeply deplored, that sentiments such as those which had just been addressed to the House should have fallen from the lips of a man who had been so long distinguished for his staunch advocacy of civil and religious liberty as his gallant Friend the hon. Member for Bradford. His hon. and gallant Friend had declared that an aggression had been attempted on the dignity of Her Majesty's Crown; but he had not attempted to explain in what that aggression consisted. This was a fatal defect in his speech. He had not, nor had any Member who had preceded him on the same side, attempted to make out a case which would warrant that House in applying a system of penal legislation to the Catholics of this country, and yet he had recommended them to carry out certain penalties contained in old statutes, because some foreigners had done something which was supposed to be hostile to the interests of England. Why should the Catholic subjects of Her Majesty, who constituted one-fourth of the population of the united kingdom, be subjected to Bills of pains and penalties because some few individuals had been foolish or wicked enough to assure the Pope that England was ready and willing to become a Catholic country? Disguise it as they might—deny it as they might—the Bill under discussion was the initiative of persecution. He had hoped to see the day when the advancing civilisation of the age would tear from the Statute-book the penal enactments against Catholics which still lingered there, and which were a disgrace to the age and to the country. But instead of witnessing that gratifying spectacle, it was his cruel fortune to see new measures of coercion introduced by men whose best claim to distinction was, the opposition they had given in bygone years to similar enactments. For his own part, he did not at all share in the opinion, that a deliberate indignity had been intended by the Court of Rome against Her Majesty's Crown; but he thought it not at all unlikely that his Holiness might have been misled by the over-zealous representations of some of those distinguished individuals—some of them scions of noble families—others of them members of learned universities—who had recently forsaken the Protestant principles in which they had been bred, and betaken themselves to the Pope and Catholicism. He had no doubt that these representations had exercised great influence; and, looking to the character of the Roman Pontiff, he could easily believe that it was by the enthusiastic representations of some such individuals as these, that his Holiness had been induced to issue his apostolic letter. There were plenty of such men who had been brought up at the public expense, and who betrayed instead of leading the flocks committed to their spiritual charge. An hon. Member had very properly pointed out what was necessary to be done before the Government embarked in the course they proposed—that the law, as affecting Catholics in England, Ireland, Scotland, and the colonies, should be made intelligible to them. He lamented—deeply lamented—the injudicious and unstatesmanlike conduct of the Ministry upon this question; but he, nevertheless, would have been better pleased if the House had permitted them to lay their Bill at once upon the table, for then it would be seen what the provisions of the measure really were, and its opponents would not have to argue in the dark, as they were now arguing, having nothing to guide them except their general aversion to an oppressive policy. The speech of the noble Lord shadowed forth very imperfectly the cause of this aggression. The noble Lord called upon them to put down aggression, but had not told them what that aggression was; and the Bill ought to be upon the table in order that they might be better able to form an opinion of what the Government intended to do; for the speech of the Attorney General was different from that of the noble Lord, and he could not reconcile the two, or infer otherwise from the latter than that the Bill when laid upon the table would now prove different from the measure which the noble Lord would have in the first instance proposed, had he brought in his Bill on Friday night; and there was no knowing what still more objectionable alterations might be introduced, if, by the further protraction of the debate, the Government were to be allowed further time to brood over their measure. On principle, he had all his life resisted religious persecution. He would resist it till his death; but he could wish that the Bill were placed at once on the table, that they might know what it was like, and that they might no longer be kept in this extraordinary mess. Another objection to the intolerant legislation which the Ministry were now attempting was, that it would outrage the feelings of the Irish people; for, in Ireland, it should be remembered, that the prejudice against such legislation was at least as strong as the prejudice in its favour in this country. Surely it would not be contended by any man of candour and intelligence, that the Government were pursuing a judicious course in following the mandates of a bigoted faction in this country, and thus offering a wanton insult to the people of Ireland. He had hoped to live to see the day, when the last remnant of intolerance would have been consigned to ignominious rejection, and when the spirit of rational freedom would pervade all classes of the community; but the sorrow and humiliation were reserved to him of seeing new restrictions contrived, even by those who had distinguished themselves as the champions of liberty. The anxiety for the reduction of taxation was of general prevalence throughout the country; but the opponents of excessive taxation ought in consistency to oppose the present measure, because it would throw a firebrand into Ireland, and render it necessary that there should be a large military expenditure in that country. He remembered the time when 8,000 troops were sufficient for all Ireland; but there were now 45,000, and 45,000 more would be required if the present Bill were passed. Why was it that Ireland was the most wretched country in the world? Simply because of the religious rancour which had existed there for centuries, and because the people had been victimised by penal statutes on doctrinal matters. The Protestant Church Establishment had been for years the great bone of contention there; but instead of remedying that great grievance, the Ministry were engaged in a new effort to spread dissension through the land. The noble Lord now at the head of the Government went out of office with Earl Grey in 1807 on the "No-Popery" cry; and now he had engaged in setting the country by the ears through the means of that same infamous cry. The noble Lord talked about the Pope's aggression, but why did he not busy himself to put his own Church in order? It would have better suited his office and his reputation instead of persecuting the Queen's Catholic subjects, to have appointed a commission to inquire into the abuses of his own Church, and to ascertain who those ministers of the Establishment were who lured on their flocks to the verge of Catholicism, and then left them. It was his conviction that the strange events which they had recently witnessed, would never have occurred if the monstrous abuses in the temporalities of the Church Establishment had been corrected as they ought to have been, if sinecures had been abolished, and if measures had been taken to make the clergy do their duty to their flocks. When they allowed the principles of Popery to be taught in our Universities, without any attempt to put them down, would it be right for the noble Lord now to introduce this measure? The fact was, that the noble Lord distrusted his own principles. Could any man have any fear for Protestantism, when we had such an establishment of bishops, deans, and other functionaries, who were paid to instruct the people of this country in their religious duties? He (Mr. Hume) had no fear of the Catholic priesthood. If they excited any fear it was because they were assiduous in their duty; but the clergy of the Church of England, like all other monopolists, were careless, and they had let the wolf get into their flocks. It was impossible for him, as an honest man, to say that he had any fear of the Catholic priesthood when we had so many bishops and clergy of the Established Church, and all the Dissenters, who are aiding the Established Church against the unpaid Catholic priesthood. He was astonished at the course which the noble Lord had taken. He (Mr. Hume) wanted free trade in religion. He said that the noble Lord and the speakers at public meetings were fearful of their own tenets. He said that the only way to keep the Church of England in order, would be to enact some such law as he proposed in 1837, putting an end to all sinecures in the Church. It gave him great pain to see a measure countenanced which was contrary to the whole spirit of our legislation for the last twenty-three years, and he was still more surprised to see it introduced by the noble Lord—who, of all the 658 Members of the House, he should have thought would be the last man to propose such a measure. But so determined was the noble Lord in carrying this Bill against the feelings of the Catholics, that he said he would not proceed with his financial statement, or with the general business of the country, until this measure was passed. This almost amounted to an act of insanity on the part of the noble Lord.

LORD J. RUSSELL: I said, until this debate was brought to a conclusion.

MR. HUME: He now understood that the noble Lord only wished this debate to close before he proceeded with other business, and, therefore, he should not further oppose the introduction of the Bill. He wished to see it on the table of the House. He must, however, tell the noble Lord that he ought to take measures to prevent such men as Mr. Bennett, who had led their followers to the very brink of Romanism, to remain in the Church. They said that they were justified in what they were doing by the rubric; but let the noble Lord reform the rubric, and take from Mr. Bennett, and those who agreed with him, that plea. If the noble Lord would do so, that measure should have his (Mr. Hume's) support. It was not the Pope who was to be blamed, but those persons who having left the Church of England, had misrepresented the state of feeling in this country to the Pope. Entertaining these opinions, and as the measure of the noble Lord did not point out any remedy for the evils which he had mentioned in reference to the Established Church, he regretted that it had been introduced. He must call upon the noble Lord to "cry back," for they were now in a sad state, and if he proceeded in his present course, the only result would be, that they would find themselves involved in further difficulties.

MR. OSWALD, on first rising, was met by calls for "division," but spoke as follows: Sir, I do not often rise in this House to express my opinions, and I trust the House will bear with me in doing so now. I will compress as much as possible what I have to say. It has been stated that there is an unanimous feeling throughout Great Britain with respect to this measure of the Pope's. Now, I represent the county of Ayr, the largest agricultural constituency in Scotland, and once the stronghold of the Covenanters, and yet there has not been any meeting of that county on this subject, nor has there been, so far as I know, a syllable uttered to encourage the noble Lord in this crusade against the religious liberties of one-third of the people of this country. There is no country in Europe so much opposed to the claims of the Papacy; but the noble Lord will, I believe, look in vain to Scotland for support. The people of Scotland are opposed to the Roman Catholic Church, but they believe that they have other weapons than Acts of Parliament to combat that Church. Three Monarchs of the House of Stuart tried to force on Scotland, by the temporal sword, their religious opinions. One sword there was—it is hacked and rusty now—that sword, I grieve to say (for I am an Episcopalian), was Episcopacy; but it broke in the kingly hands that wielded it. Spiritual powers must be met by spiritual weapons; and my belief is, that the act of the Pope is a purely spiritual act. For how can you say that an act, clothed with no legal sanction, deriving its authority from nothing, saving the willing consent of those who bow before the Papal throne, is anything but a spiritual act? I have heard distinctions made by able lawyers between what is ecclesiastical and what is spiritual; but to lawyers, and to special pleaders, will I leave those nice logical distinctions. I, Sir, am a Scotchman, and

I have not forgotten, if other persons have, what took place in 1843, in that country: One morning the General Assembly of the Church of Scotland had met; a letter from the Throne in answer to a humble address was read, and one by one, 150 members of that Assembly withdrew; and a nobler spectacle Christendom never saw. 300 other ministers of parishes joined them; and, on the instant, they constituted themselves into the Free Church of Scotland. They did not divide Scotland into new ecclesiastical districts, but they took the districts of Scotland as they then existed—they took the synods—they took the presbyteries—they took the parishes—and in 600 out of 900 parishes in Scotland they built a church and a manse, they placed a minister, and instituted a kirk-session. English Members may not know what that means, but it is a court having full spiritual jurisdiction over every individual in the parish. They said to those whom they had left, you may keep your miserable manses and your wretched stipends, but you are no longer a Church of Christ, traitors as you are to Christ's kingdom and his crown. These words are not mine; they are those of the Free Church—this Church met in General Assembly. It has presented many times addresses to the Throne. I myself saw their moderator and their most distinguished ministers, in full Geneva canonicals, when I was in attendance on Her Majesty at Her Palace of Dalkeith, pass into the presence of Royalty. I have myself presented to this House innumerable addresses from moderators of presbyteries, from kirk-sessions, from ministers and members of this Free Church; and now, will any one say that the Pope has exercised one with more spiritual power than the Free Church has done — will any Scotch Member rise in his place and say so? If there be difference or distinction, I doubt not my right hon. Friend the Secretary at War will clear up the matter; but, for my life, I cannot see any difference. You may tell me that the Pope is a foreign Prince. I answer, that is an accident. It is not as a foreign Prince, it is as the head of the Roman Catholic Church, that he has done this. The Pope may be, some day, a British subject residing in a small house in Golden-square. I pass now to another matter; the Bill which is to be brought in will either prevent the synodical action with the Roman Catholic Church, or it will not. The noble Lord has said nothing on this subject; but the Attorney General has said that it will; and I presume he knows the provisions of the Bill which he has drawn. Are you going to prevent the synodical action of the Free Church? Is there one tittle of fairness in doing the one, while you refrain from doing the other? But suppose that it does not prevent this synodical action, your Bill, then, is one about empty names. Is it possible, Sir, that the noble Lord the Member for London has roused, not Great Britain, but England, from one end to the other, to prevent Cardinal Wiseman from signing himself Archbishop of Westminster? Are you going, with a meanness totally unparalleled, to prevent the assumption of these empty titles, by cutting off, in their charitable course, the bequests of the dying and the dead? If this, indeed, is all you are going to do, the Cardinal Archbishop will snap his fingers in your face. Is it for this that the noble Lord the Member for London has abandoned, I doubt not from the purest motives, every principle with regard to religious liberty which he ever professed? If that be so, I think that the noble Lord, having received, for his tergiversation, and the complete abandonment of his early principles, the thanks which I have heard tendered to him by my hon. Friend the Member for the University of Oxford, which thanks have been endorsed by the hon. Member for Warwickshire (Mr. Spooner), had better take the advice he so naively gave the Cardinal, and walk away. There are plenty of Members on this side of the House quite able to fill the places of the right hon. Gentlemen opposite, and more than one, fully able to discharge the functions of the noble Lord better than he. I was glad, last night, to hear the speech of my hon. Friend, Mr. Disraeli—that able and consummate speech. I take that speech as an indication that the divisions on this side of the House are not to last for ever; and I believe that the noble Lord would never have taken the steps he has done, had he not thought that Gentlemen on the Opposition side of the House were irretrievably divided. But, to return to the question, there is one topic which has been much invoked on this question—the supremacy of the Crown. We in this House have all sworn to the supremacy of the Crown; and, no doubt, we know what we meant when we took that oath. But, in Scotland, the supremacy of the Crown, as interpreted by the noble Lord, is highly unpopular. The remembrance of it is connected with 200 years of civil strife and intestine revolution. James I., Charles I., and Charles II., held the doctrine of the supremacy of the Crown as the noble Lord understands it, and they put it in force with no sparing hand. The Free Church and the Dissenters do not acknowledge the supremacy of the Crown, save in things temporal. They left their manses, their glebes, and their stipends, because they would not submit to what they conceived an arbitrary assumption of the supremacy of the civil power, and because they claimed for themselves the exercise of their religion independent of it. I, for my part, shall be excessively surprised, if one of the noble Lord's colleagues, whom I see opposite, my right hon. Friend the Secretary at War, is prepared, after having received the fullest liberty for the free exercise of his own religion, to put a single fetter on that of others. If, as I trust, this be not the case, he must oppose the supremacy of the Crown as interpreted by the noble Lord—a supremacy which, so interpreted, enslaves his own Church, and seems to be prepared to persecute every other. I shall certainly be excessively surprised should I find him join in the ridiculous attempt to put down this aggression, as it has been called, by persecution.

LORD J. RUSSELL: Mr. Speaker, I so far agree with the hon. Member for Montrose, that if the House are disposed to close this debate, and to allow this Bill to be brought in, I will address a few words to the House with respect to what has passed during the debate. With respect to the question which the hon. Member for Montrose asked me, I can only repeat to him again, that according to the public law of Europe, it is not usual to erect ecclesiastical sees in any territory without the consent of the Sovereign. That has been repeatedly stated, and I have not heard it contradicted by any person who has opposed this Bill; but, secondly, it was quite clear, from all the inquiries we made, that there is no Sovereign in Europe who would submit to the creation of bishoprics in his territory unless his consent had been previously taken. And then, I say, that what has been done by the Pope in this respect is contrary to the well-known public law of Europe, and that it could not have been done with regard to any other country. So with respect to the arguments that have been used against any measure whatever upon this subject, after what has been said by other speakers; after the able arguments which have been addressed to the House, I should not think it necessary to enter further into the question; but there has been an argument raised, particularly by the hon. Member for Buckinghamshire, and enforced by the hon. and learned Member for Athlone, with respect to the former conduct of the Government on this subject. Now, that argument was directed to two points. The one is to the excuse of the conduct of the Government of Rome; because it is said that it had reason to suppose that this measure would be consented to. The other is, as an argument against the consistency of the Government, and especially my own consistency, on this subject. Now, Sir, with regard to the first point, I beg to recall to the recollection of the House, that after all I have said in 1844 and 1845—that after anything that may have passed at Rome during the Earl of Minto's mission there, that some three months after the Earl of Minto had left Rome, I declared in this House that I had not given my consent, nor should I give my consent, to the erection of sees or dioceses in this country. Therefore, whatever misapprehension may have been entertained at any previous time, this declaration, which must have been well known to the Roman Catholics in this country, and which must have been well known soon afterwards to the authorities at Rome, who were advised from this country—that declaration must have precluded any belief on their part that the English Government would be a consenting party, or had been a consenting party, to this arrangement. Therefore, I think all that has been originally said has been confirmed, and that this measure was done in opposition to the Government of this country; that it was done in opposition to the Crown of this country; and that its effect would be, and that it is intended to be, to erect sees with powers of government, not certainly in Edinburgh or in Ayrshire, but in Westminster and Middlesex. The people of Westminster and Middlesex, therefore, naturally thought that nobody ought to govern these English territories but the person who was the lawful Sovereign of these realms. And besides, it has been stated, and the hon. Member for Mayo, who is a great opponent of this measure, admitted, that the effect of it was not only to erect those bishoprics and archbishoprics, but to put an end to and abolish the Archbishopric of Canterbury and the Bishopric of London, as they have heretofore existed. If that were the case and that were the pretension and assumption, I am at a loss to conceive how, in what has been done, there can be nothing in the case—nothing insulting, nothing interfering with the dignity of the Crown, and the independence of the nation. But the next point is, that the hon. and learned Member for Athlone, and the hon. Member for Buckinghamshire, who took a similar line in this respect, say that it is totally inconsistent on my part to propose this measure after the declarations I had made in former years. Now, Sir, I am not about to say that those declarations, amounting to this, that I thought it was puerile and childish to prevent the assumption of titles held by bishops of the Church of England, by Roman Catholic bishops, are consistent with those opinions that I am now advocating. But, Sir, I think I am justified in saying this, that whatever might have been my confidence with respect to the conduct of the Roman Catholic ecclesiastics; whatever might have been my confidence with respect to the conduct of the Pope, that I have found, since that time, that that confidence was misplaced, and that I have thought it better clearly and plainly to avow that I was mistaken in my opinions. Circumstances have convinced me that I trusted too much to the forbearance and to the respect due to the Sovereign of this country, and that, therefore, seeing that confidence was misplaced, I must take measures in accordance with the events that have since occurred. Well, Sir, then the hon. and learned Member for Athlone says, that the reason of this inconsistency is, that these opinions were given out of office, and that in office in 1848, having no wish further to consult and conciliate public opinion in Ireland, I came to a different conclusion. Sir, it does so happen that in 1846, after I came into office, in moving the Religious Opinions Bill, I stated then, what I should not certainly be prepared to state now, that I thought the admission of any bulls into this country might be permitted; for I did not think that any bulls could be introduced which would be at variance with the rights of the English Crown, or that Roman Catholics would obey them if introduced. But I did think, that from any hon. Gentleman who sits in this House as a Roman Catholic, and takes the Roman Catholic oath, I am entitled to a little more indulgence, and a little more credit, as to the motives by which I have been actuated with respect to the privileges of Roman Catholics. For it did so happen, that for the fourteen years that I sat in this House, that whenever I did give a vote, it was given for the admission of Roman Catholics to seats in this House; and I have felt that I did so at the expense of confidence and popularity that I might have obtained. I did so against the opinions of the Prince then on the Throne. I did so against the opinions, as I believe, of the great majority of the people of this country. I did so, following a man worthy of immortal honour, following Henry Grattan, when the name of Henry Grattan betokened great eloquence and great public services. In that course of conduct I went on until, in 1829, Sir Robert Peel introduced into the House a Bill for the admission of Roman Catholics to this House; and on the second reading of that Bill he said, with a candour and manliness which did him the highest honour, that the measure was due to the exertions of Mr. Fox, to the exertions of Mr. Grattan, to the exertions of Mr. Plunkett, and to the exertions of those who then sat opposite to him, by whom that measure had been carried, and by whom his opposition had been defeated. Sir, I was one of those who then sat opposite to him, and who have been constantly in favour of these Roman Catholics. But, Sir, at a subsequent period, when Sir Robert Peel introduced an Act for the endowment of Maynooth, I well recollect that there was a great popular feeling in this country, and there were hardly any of us who then sat upon the Opposition benches who did not receive many letters from our constituents, saying that our seats would be imperilled, and that we never should be re-elected by our constituents if we voted in favour of that Bill. Sir, the greater part of us, with very few exceptions, supported that Bill, and were in a great measure the means of carrying that Bill through this House. I will not go on at this time with other instances; but I think my conduct during the course of my public life has been such that it is not becoming a Roman Catholic to rise in this House, and to say that what was said in 1844 and in 1845 was merely done to conciliate popular opinion. I wish as much as possible that the Roman Catholics should have the fullest enjoyment of religious liberty and of political and of civil liberty. I do not think I should ever be induced to introduce a measure by which they would be prohibited from having entirely their own mode of worshipping according to their own belief, or by which they would be prevented, in consequence of that belief, from obtaining any of the honours of the State. But when this is done, I will not be frightened by the word persecution, from asserting the due authority of the Crown and the independence of the Sovereign. I do not think that we ought to submit to this, which, I must again repeat, is an insult to this country. I think, at all events, we should have a Parliamentary declaration, which shall free us from the stigma and the shame of having submitted to have our country so parcelled out, as if it was a conquered or a submissive country. I believe that we may do so without infringing in the least degree upon the religious liberty of the Roman Catholics. I am sure, that if in the discussion of this Bill it can be shown in any way that that religious liberty is infringed upon, I shall be ready to discuss these objections, and to remove any words by which the worship of the Roman Catholics shall be interfered with. But as has been said by a noble Lord—if the Holy See—as I am desired to call it—had been pleased to propose to erect bishoprics, and to make bishops over the Catholics in communion with the Church of Rome; if the spiritual authority had been confined to the Roman Catholics, as the authority of the Free Church has been to those belonging to that Church; if such had been the case, I do not think that we should have had reason to complain. But we do complain when, according to the letter of the documents, and according to the known laws of the Roman Catholic Church, a pretension is asserted that all baptised persons should submit to the foreign dominion of Rome. I will not intrude further on the time of the House. I do trust we shall be allowed to introduce this Bill; in the further stages of it I shall be prepared to defend it, and if I cannot pretend that my course is entirely consistent with the declarations I made in 1844 and 1844, I have this strong ground, that new and unexpected circumstances have arisen; and that in order to meet new aggression new means of defence are called for.

MR. MOORE explained, that he did not say that the Pope had the right to alter or abolish the bishoprics of the Established Church of England; he merely asserted that the Pope had a right to alter or abolish Roman Catholic episcopates.

MR. FAGAN, amidst loud cries of "Divide!" moved the adjournment of the debate.

MR. LAWLESS seconded the Motion, and continued speaking for a few minutes, amid loud cries for a division—

When it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, February 13, 1851.

MINUTES.] PUBLIC BILLS.—1ª Administration of Criminal Justice Improvement; County Courts Extension (No. 2).

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL.

LORD CAMPBELL laid on the table a Bill for further improving the Administration of Criminal Justice in England and Wales. The Bill was almost the same with that which he introduced last Session, and which had the approbation not only of the law Lords, but of several other noble Lords who took an interest in it, among whom might be particularly mentioned the Duke of Richmond, to whom the country was exceedingly indebted for his devotion to his duties as a magistrate, and his assistance in the administration of justice. That Bill was passed by the House of Lords unanimously, but late in the Session it was dropped in the other House. The Bill now presented would deal with the existing enactment relative to a conviction for misdemeanour where the accused was acquitted of felony—a subject which had recently attracted public attention. This object had been supposed to be attained by a law passed in the first year of Her present Majesty's reign; but the clause of the statute in question which bore upon the subject was so infelicitously worded as to have occasioned much doubt, and brought, he was afraid, discredit on the administration of justice. No part, however, of this discredit was properly chargeable upon the Judges—it lay entirely at the door of Parliament. Upon a case decided yesterday, of fourteen Judges who were present, six (of whom he himself was one) voted one way, and eight the other. After this decision, he was bound to believe the opinion he had himself expressed erroneons, and to bow to that of his learned brethren; but unfortunately they laid down no rule by which he could be governed. He proposed to repeal altogether the clause of the Act to which he alluded, and to define the law by the present Bill in such terms as should leave no room for doubt. After the Bill should have been read a second time, it would be expedient to refer it to a Select Committee, consisting of the law Lords and any other Lords who might wish to give their attendance.

Lord BROUGHAM was exceedingly glad that his noble and learned Friend should have made application to the House to have the law settled by this Bill, of which he hoped the operation would be most beneficial.

Bill read 1ª.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 13, 1851.

Minutes.] Public Bills.—1ª Compound Householders; Hops.

SOUTH STAFFORDSHIRE RAILWAY EXTENSION BILL.

On the Order of the Day that this Bill be read a Second Time,

Mr. LABOUCHERE said, that that Bill was one of so novel and unprecedented a character, that he felt it was his duty to call the attention of the House to the subject. It was not a Bill for granting certain powers to a railway company in the usual acceptation of that term, but for conferring those powers on four individuals who were to be allowed to add indefinitely to their numbers. He did not think it necessary that he should then enter into the details of the measure, but he should observe that it contained many provisions which appeared to him to be of a highly-objectionable character. Under these circumstances, he had caused a communication to be made that morning to the agents who had charge of the Bill, and he had let them know that he felt very much inclined to recommend them to postpone its second reading for a limited period, and that if they did not do so, he should probably deem it his duty to advise the House to reject the measure. The agents had told him that it would cause the greatest inconvenience and expense to postpone the second reading; and they assured him that, if he would offer no opposition to the second reading, they would not consider that he was in any degree pledged to the support of the principle of the Bill, and that he should be at liberty to oppose that as well as the details in the Committee. He had, upon that understanding, consented, so far as he was concerned, to the Bill passing the second reading; but at the same time he felt bound to state to the House what was the principle of the Bill, and to point out to them the extreme care and vigilance with which its provisions should be examined before it received the assent of the House.

Mr. WILSON PATTEN concurred with Mr. Labouchere that the Bill was one which should be assented to by the House with the greatest caution. He was decidedly opposed to its provisions from what he had seen of them. He believed that the best course was for the right hon. the President of the Board of Trade to take the Bill into consideration, and see whether it was possible to pass the Bill in any form whatever, and with what alterations. If the Bill remained in its present form, he thought the House would find it its duty to reject it.

Mr. HUME said, he thought that a Railway Board of a very opposite character to that which formerly existed should be appointed to see that no objectionable proceedings should take place. If the Bill in question were of the objectionable character referred to, he thought that Members should be allowed time to consider whether the Bill should be allowed to pass its second reading or not.

Mr. LABOUCHERE said, that under the system adopted when the Railway Board was in existence, breviates stating the nature of the Bill would have been in the hands of every Member, and he had endeavoured to supply the absence of that information in the best way he could.

Mr. SPOONER thought that it was incumbent on the House not to adopt the principle of the Bill. He thought that the promoters of the Bill and the landowners, whose property it was proposed to take, should not be subjected to the expense of appearing before the Committee. If the principle of the Bill were so bad, it should be postponed. He moved that the second reading should be postponed to that day week.

Second reading postponed to Thursday next.

THE RIOT IN BARHAM WORKHOUSE.

Mr. BANKES said, he wished to put

some questions to the right hon. and learned Gentleman the President of the Poor Law Board. He should first ask him whether the accounts which had lately appeared in the public journals, and especially in the *Morning Herald*, relative to the Barham union workhouse, were correct? It was stated that a riot had occurred there, occasioned by a very large number of ablebodied labourers having been placed in that House in consequence of a want of employment—that the rioters had been in possession of the premises for several hours on Sunday last—that they had committed every sort of depredation—and that the military had been called out to quell the riot. He wished to know whether those reports were well founded; and if so, what was the number of the military employed on the occasion, and when the account of the transaction had first reached the Poor Law Board or the Home Office?

MR. BAINES said, that, in reply to the questions of the hon. Member for Dorsetshire, he begged to state that it was perfectly true that on Sunday evening last there had been a riotous disturbance in the Barham union workhouse, which was situated at a distance of about five miles from Ipswich. The hon. Member wished him to state whether any of the paupers in the house had been ablebodied labourers compelled to enter it from a want of employment, and in answer to that question he had to say that he did not know for what reason they had been placed there. All he knew was, that the guardians had admitted the inmates as destitute persons, and that a number of them were ablebodied. It was also true that those persons, having commenced the riot at about seven o'clock on Sunday evening, had been in possession of the premises for several hours—he believed for five hours; that some damage had been done to the building, and that very considerable damage had been done to the furniture, windows, window frames, and floors. With regard to the question of the hon. Member whether the military had been called in to quell the riot, he (Mr. Baines) had to state that they had been, although he did not know exactly the number of the military who had been present. They had remained on the premises for a period of about five hours; but he understood that they had not at any time been actively engaged in quelling the riot. With respect to the period at which the account of the transaction had reached the Poor Law Board, he had to inform the hon. Gentleman that his attention had first been drawn to the matter officially by the question which the hon. Gentleman had put to him on Tuesday evening. Previously to that time he had received no official information upon the subject. But he had thought it his duty yesterday (Wednesday) to send down a gentleman from the Poor Law Board to make inquiry into the matter on the spot, and he had to add, that the reason why he had not been sooner in possession of information on the subject was that the very able and intelligent inspector of the district, Sir. J. Walsham, had been engaged in an inquiry at Birmingham since Friday last.

MR. BANKES said, that the next series of questions he had to put to the right hon. Gentleman was, whether there had been any previous outbreak in that workhouse, or in any workhouse in that part of the country; whether the poor-law guardians in any of the unions of the district had been subjected to any intimidation; and what were the numbers in the Barham workhouse on the 1st of January, and on Sunday last, February 9th, distinguishing the ablebodied from the other paupers?

MR. BAINES said, that in answer to those questions, he begged to say that there had been a similar disturbance in that workhouse about this time twelvemonths, but that not quite so much mischief had then been done; and he had further to state that several of the parties who had been ringleaders on the late occasion, had been ringleaders on the former occasion also. With regard to the hon. Gentleman's question whether there had been any outbreak in any other union in that district, he had to state that he had received no information of any such outbreak; and in reply to the question whether any of the guardians of that district had been subjected to threats and intimidation, he had to inform the hon. Gentleman that he had heard that in two unions of the county of Suffolk—the unions of Oxton and Hadleigh—such threats and intimidation had been employed. With reference to the number of paupers in the Barham workhouse on the 1st of January and on Sunday last, he had to state that on the 1st of January the whole number of paupers there had been 326, and on Sunday last 484—the house being capable of accommodating 700; of adult ablebodied men the number on the 1st of

January had been 53, and on Sunday last 154—of whom 34 had come in late on the Saturday afternoon.

Mr. BANKES next wished to know whether any assistant poor-law commissioner had been sent down to Carlisle, to inquire into the condition of the poor in that city; and, if so, what was the report of such assistant poor-law commissioner upon that subject?

Mr. BAINES said, that from the report of a poor-law inspector, dated the 21st of January, it appeared that at that time the cotton trade in Carlisle had been in a state of considerable depression; that a large number of persons who had formerly been employed in that branch of manufacturing indusstry had then been without employment, and that there had in consequence been a considerable additional pressure on the poor-rates.

Mr. WAKLEY wished to know whether there would be any objection to lay before the House a copy of the dietary in the Barham workhouse?

Mr. BAINES: Certainly not.

Subject at an end.

COURT OF CHANCERY.

Mr. J. STUART begged to ask the noble Lord at the head of the Government, whether Her Majesty's Government intend to bring in, without delay, a Bill to authorise the appointment of a Vice-Chancellor in the room of Sir James Wigram, who has resigned? and whether the noble Lord is aware of the enormous expense and distress to suitors for justice in the Court of Chancery, whose complaints are now standing for hearing, from the want of a competent Judge to discharge the judicial duties heretofore discharged by Sir James Wigram?

Lord J. RUSSELL said, that the hon. and learned Gentleman and the House were aware that he had stated at the end of last Session, that it was his intention to propose, on the part of the Government, a measure for the better administration of justice in the Court of Chancery; and he could now only state further that it was his intention very shortly to introduce a measure for that purpose. Considering the present state of business in the Court of Chancery, and the great quantity of business that, owing to some recent Acts of Parliament, had been brought before the Court, making a considerable amount of cases standing for hearing, it would be necessary to appoint a Vice-Chancellor in place of the late Vice-Chancellor Sir James Wigram. When he brought forward the measure, he would state the reasons why he thought such an appointment was necessary.

IRISH LAW COURTS.

Mr. M'CULLAGH rose to ask a question of the right hon. Gentleman the Attorney General for Ireland, of which he had given notice. That the House might understand the question, he must make one or two observations, and then leave them to judge of the importance of the question which he meant to put. It might not be generally known that in the superior courts of law in Ireland, there was an officer called a Master who fulfilled duties similar to those that were discharged by corresponding officers in the superior courts of law in this country. It had become generally current by rumour amongst the profession in Ireland, that Government had an intention to suppress one or more of the courts of law in that country; a great deal of feeling was excited on the subject, and it was desirable that, as soon as possible, the feeling should be allayed, if it were unfounded, and that they should know as soon as possible when that process of abolition and centralisation would begin.

Lord J. RUSSELL rose to order. The hon. and learned Gentleman, not satisfied with asking a question, which he had a right to do, had taken it for granted that some process of abolition and centralisation was going to begin. The question could not be answered without going into a long debate, and he submitted that the hon. and learned Gentleman was not at all in order.

Mr. M'CULLAGH begged to say, that he was in the hands of the House; but if the noble Lord would hear, he would find that he did not impute to the Government any intention whatever. He had merely said— [*Cries of* "Question!"] The question he had to put, was, whether it is the intention of the Government to introduce any measure, during the present Session, for the purpose of abolishing the office of Master, in any and which of the superior courts in Ireland?

Mr. HATCHELL: In answer to the question of the hon. and learned Gentleman the Member for Dundalk, I have to state, that it is not the intention of the Government to introduce any measure, during the present Session, for the purpose of abolishing the office of Master in any of the law courts in Ireland.

Subject at an end.

AGRICULTURAL DISTRESS—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate [11th Feb.]—Debate *resumed.*

The Marquess of GRANBY said, that in the observations he felt it to be his duty to offer to the House on this occasion, he should endeavour (as far as it was possible for him to do so) to compress them; because, in the first place, he believed it was the desire of the House to divide this evening, and also because many Gentlemen of this considerable and important interest were anxious to deliver their sentiments on this occasion. The right hon. Gentleman the Chancellor of the Exchequer, in the answer he had made to his hon. Friend the Member for Buckinghamshire, certainly went into a great many extraneous topics, and had also dwelt upon points which had no reference to the subject in debate. They had now had five years' experience of free trade; they had now been for five years in "a state of transition," as it had been called, and the result was, that the agriculturists now found themselves in a worse condition than they had ever been at any previous time. They had not advanced, as far as their material interests were concerned; but they had made a considerable advance in winning for themselves the public sympathy. A reference had this Session been made to them in Her Majesty's Speech; the agriculturists, and the sufferings endured by them, were not denied—last year they had been repudiated; and, perchance, if public affairs went on in this way they might be alluded to in a future Session of Parliament as "the late much lamented and respected interest." Now, in order to show the depreciation of the property of the agricultural interest, he would remark that there was grown on the average annually in this country 24,000,000 quarters of wheat; that by the depreciation of the price of that wheat from 56*s.* to 37*s.* the quarter—that was, very nearly 1*l.* a quarter—the depreciation in the value of the produce of the British farmer on that one article alone was 24,000,000*l.*; and if they looked to the whole of the crops, including wheat, the reduction of 30 per cent on the price of their produce was no less than 60,000,000*l.* This then being the case of the agricultural interest at the present moment, what was the course that his hon. Friend had taken? His hon. Friend had asked of the House of Commons, in a speech of great moderation—of great ability—of great research, the result of infinite labour—he asked of the House of Commons to do—what? His hon. Friend asked of the House not to reverse that policy which had been adopted, but to reconsider the taxation of the country; and to see whether they could not relieve the landed interest of burdens that at all times had been unjust, but, by reason of the competition to which it was now exposed, had become intolerable. That then was the very moderate proposition which had been offered to the House, and he could not think that they would have the rashness or the temerity to reject it. His right hon. Friend the Chancellor of the Exchequer, in the few observations that he had directed to the Motion of his hon. Friend the Member for Buckinghamshire, did not venture to say that the proposition was unjust; but he said that there was a difficulty in relieving the agricultural interest of the weight of the burden of which they complained. He hoped the attention of the House and the country would be directed to the ground upon which his right hon. Friend resisted the Motion, because he thought a lesson was to be learned, and a moral was to be drawn from the statement his right hon. Friend had made. He said he had been taunted with not being a freetrader in sincerity, and with not carrying out his principles, and he (the Marquess of Granby) again asserted that the right. hon. Gentleman was not an absolute freetrader—that he could not lay claim to the name of an unconditional freetrader. But his right hon. Friend declared that he was not only a freetrader, but he had also to consider how the revenue was to be raised in a manner that would be at the same time most efficacious for the public service, and least vexatious to the subject. Why, that was a feeling in which they all participated; but if his only object was to raise a revenue, he wished to know whether he did not admit that according as the duty was levied or taken off a particular production, that production would not be discouraged or stimulated? If that was not the case, why did he object to put a duty upon the importation of foreign corn? If it raised the price to the consumer, it would assuredly benefit the producer. But, then, his right hon. Friend said that he wanted to have corn at the natural price of the market—to let the people have it as cheap as they could. Now, the price of corn in England and the natural price of corn were two very different things. The natural price of corn in England was that price which arose in consequence of the heavy burdens that had been placed on its producers. It was not the price which was now given to the British farmer—when he received but 38*s.* the quarter. The natural price in England was a great deal more than that. But if his right hon. Friend was so anxious for cheap foreign corn and for cheap bread, why was he not also as anxious to obtain cheap British bread? Why not have cheap British bread as well as cheap foreign bread? Now, in asking that question, he was not going over again the various items of taxation to which the British farmer was subjected — such as poor-rates, county rates, &c. He would but take a single article, that of labour, to show the difficulties to which the British farmer was exposed. He asked why it was that the British farmer had to pay so much higher wages than the foreign producer? It was partly because, and he thanked God for it, the English labourer was better off than the foreign labourer — but it was also because he had to pay taxes on almost everything that he consumed—taxes on tea, taxes on beer, taxes on sugar, taxes on tobacco, taxes upon almost everything that he consumed, and everything that he wore. Such was the reason why the farmer paid to the English labourer higher wages than foreign labourers received. And so it was with every other class connected with the land—all paid taxes—the miller, the seller of flour, the baker—every one who came in between the producer and the consumer paid heavy taxes. This, then, was the reason why they called upon the Chancellor of the Exchequer, if he would not aid them with respect to foreign competition, at least to enable them to meet that competition by relieving them from that burden of taxation which pressed them down. But then his right hon. Friend, with a mournful countenance and in piteous accents, asked them how were they to make up the deficiency? He replied to his right hon. Friend, they (the protectionists) had nothing to do with that—they had not introduced a system that was ruining the best men in the country, which was compelling their farmers and their labourers to emigrate. He said that those who had introduced that system were bound to find a remedy against it. It had been suggested in Her Majesty's Speech, that a remedy might be found in the flourishing condition of all other classes—that if the manufacturers were flourishing, so must the agriculturists; but, in making that suggestion, one very important consideration had been overlooked. It had been perfectly true, that, as long as the British manufacturers were supplied by the produce of the British farmer, the British farmer did partake in the prosperity of the British manufacturing interest; but now the manufacturing interest repaired for its corn to Poland, America, Russia, and Egypt, and gave to those countries the benefit of manufacturing prosperity; whilst the British agricultural interest did not, and could not, participate in it. They had been told that it would be no advantage to the British farmer to cultivate tobacco—that it would be unprofitable—that the duty on foreign tobacco produced 4,000,000*l.*, and that they would not peril the loss of 4,000,000*l.* to enable the British farmer to grow tobacco. But if the cultivation of tobacco would be unprofitable to the British farmer, what fear could the right hon. Gentleman have of the revenue being affected by its produce? With regard to local burdens, his hon. Friend the Member for Buckinghamshire had said, that out of the 12,000,000*l.* paid by the country, the agricultural and landed interest paid 7,000,000*l.* The right hon. Gentleman the Chancellor of the Exchequer denied that—he said, Oh, there was the ground-rent of houses, and other matters, that came under the description of land. He believed that was a case of total misapprehension on the part of the right hon. Gentleman. He had also referred to the increased value given to land by railroads, canals, and other improvements. Why, he was really astonished, that, in the House of Commons, and in the year 1851, it should be asserted by a Chancellor of the Exchequer, because justice had been done to other classes, there was no justice to be done to the agriculturists. He had referred to the number of paupers receiving poor relief, and had observed, as being rather curious, that the amount expended in the maintenance of the poor for the half-year ending Michaelmas last, had been diminished fully 10 per cent; but then they were told that the reduction in the price of provisions was equal to 30 per cent, and, therefore, either the reductions in the price of food was a fallacy, or there had not been a proportional reduction in the number of paupers relieved. The right hon. Gentleman referred to the returns from Ireland, but he had omitted to include Scotland. It was extraordinary, that, in taking a great national view of the question, the right hon. Gentleman should have left out so important a part of the united kingdom. He found the amount expended in Scotland to September in 1850 was 581,000*l.*, and the amount expended to September in 1849 was 577,000*l.*, showing an increase of 4,000*l.* in the last year. It appeared to him that there were three important considerations to be kept in view in looking at the diminution of pauperism, and which it was very necessary should be observed if they wished to arrive at a right and just conclusion. They should first know what was the amount of emigration; secondly, the number employed upon the roads; and, thirdly, the number receiving employment by means of private subscriptions. He had made some inquiry upon two of those points in the parishes nearest to his residence, and the results were as follow:—in the first parish the number employed on the roads was 2, emigrated 20; in the second parish, 4 were employed on the roads, 12 emigrated; third parish, 2 on the roads, 8 emigrated; fourth parish, 3 emigrated; fifth parish, 18 on the roads, 20 unemployed, 10 emigrated; sixth parish, 5 on the roads, a large number would be unemployed, were it not for the drainage now being carried on ["Hear, hear!"]—and a great number had emigrated. With reference to the cheer raised when he was reading that a number of labourers were employed in draining, he begged to state, that landlords were draining now to an immense extent, in order to furnish employment to labourers, who would otherwise be thrown upon the poor-rate. From another parish, the return he obtained was to this effect:—"Within two years not fewer than 70 persons have emigrated, and between 20 and 30 within the last week." These were facts which might lead the most ardent freetraders to doubt the soundness of their policy. The ratepayers of the parish of Oundle, in Northamptonshire, with the view of checking the rapid increase of pauperism, had subscribed a sum of money, out of which they paid married labourers 8*s.*, and single labourers 7*s.* a week. The result was, that there was a tendency to reduce wages generally to that standard throughout the county. The insurrection in Barham had been admitted that night, as well as the distressed condition of the cotton weavers of Carlisle, and doubtless similar cases might be pointed out in other parts of the kingdom. This was not a gratifying state of affairs. He now came to the boast of the right hon. Gentleman the Chancellor of the Exchequer, that the condition of the labourer was satisfactory under the system of free trade. He believed that if the agricultural labourer was asked whether he would have proportional high wages and a high price of food, or proportional low wages and cheap food, that he would at once say that he would prefer the former. He would tell the House why. If the labourer had money in his pocket, and the corn or any other article that he had to buy was dear, he might abstain from using the same quantity of it as he would otherwise do, and have more money to expend on other things. Suppose the price of bread was high, he would consume half the quantity of bread, and a greater quantity of meat or something else. Although the rate of wages might not be immediately reduced to the same level as the price of grain, it was to be borne in mind that the price of bread did not immediately fall with the price of corn. He found that the average saving to the labourer between wheat at 56*s.* and wheat at 36*s.* the quarter, did not exceed 14*s.* 6¼*d.* per annum.

500 lbs. of bread at 56*s.* is, per lb. ...	1·344
Do. do. at 36*s.* „ ...	0·844
Difference	0·480
	7
Weekly	3·360

Or with a family of three, one 4-lb. loaf per day, 2*l.* 18*s.* per annum, or only equal to a reduction in wages of 1*s.* 1*d.* a week.

From these facts it was evident that the condition of the labourer was not so prosperous as had been represented by the right hon. Gentleman under the free-trade system. With regard to the statement that the country generally had derived advantage from the diminished price of the necessaries of life, he would refer to the evidence of the right hon. Gentleman himself before the Salaries' Committee. The question was asked whether a reduction in the expenses of society had taken place to any great extent in the class of living to which the persons holding these offices belonged—

"The question," said the right hon. Gentleman, "asked by the hon. Member for East Kent, I have already answered. I have already said that I did not think the expense and style of living of persons in the higher ranks of society has diminished; on the contrary, I think it has increased."

The right hon. Gentleman was then asked, are house-rent, wages, or taxes at all diminished? and his answer was—

"Wages have increased, house rent I do not think is lower, and there is no material diminution in the expenses of gentlemen of ordinary fortune."

Now if there was no diminution in the expenses of gentlemen of ordinary fortune, he would be glad to know why there should be any reduction in the expenses of living of the poor man? He had now gone through those portions of the right hon. Gentleman's speech that referred to the speech of his hon. Friend the Member for Buckinghamshire. He had avoided touching upon the question of whether the prosperity of the manufacturing and other interests had been as great as was represented by the right hon. Gentleman the Chancellor of the Exchequer. He had purposely avoided that, because the question was foreign to that mooted by his hon. Friend the Member for Buckinghamshire. He had avoided it because that increased prosperity was an argument in favour of the Motion of his hon. Friend. At the same time he felt it a duty to himself, and to the class with which he had the honour of acting—he felt it his duty to the House of Commons generally, that he should state honestly his own convictions, founded upon deep and long consideration, that these interests were not so flourishing as had been represented by the right hon. Gentleman. He believed that that prosperity was fast waning, though this was not the time for inquiring into the subject. He was anxious also to state his conviction—a conviction which had been heightened and had received increased force from the course of the present debate, and more especially from the nervous and hesitating speech of his right hon. Friend the Chancellor of the Exchequer, that they would be obliged, and that ere long, whether they liked it or did not like it, to return to a system of protectional duty — that they would be obliged, whether they liked it or not, to admit the justice of the principle that for every tax they placed upon the home producer, an equivalent tax should be placed upon the foreign importers. That was his own private conviction, and he should not be dealing fairly with the House if he hesitated to declare it, which he hoped he had done without offence to any person. His hon. Friend the Member for Buckinghamshire had expressed a wish that the noble Lord at the head of the Administration had come forward and proposed some relief to the agricultural interest. He (the Marquess of Granby) could assure the noble Lord that he cordially concurred with every word his hon. Friend had uttered; and it was in no spirit of hostility that he now told him that, if he refused to do anything for the landed interest, after admitting their distresses, and expressing his belief that every other interest was prospering, the public at large would come to the conclusion either that the noble Lord was not sincere in the conviction which he expressed of the prosperity of the country generally, or, if he was sincere in that belief, that his only rule of public conduct was to oppress the greatest interest of the empire, the interest upon which all the others depended, and that his only principle of legislation was to tax the energies of the industrial classes of the community.

Sir J. GRAHAM: Sir, I am obliged to the House for permitting me to follow the noble Marquess who has just spoken. On a former evening, if two speeches had not occupied so large a portion of time, it would have been my desire to have addressed the House even then upon what I conceive to be a question of the greatest moment; and, considering the present juncture of public affairs and the state of parties, I was anxious to have stated my opinions without disguise, and with a frankness similar to that of the noble Marquess. I am glad, however, that a short time has intervened for considering the question, because I had much rather, in all such cases, that a short opportunity should be given for reflection, in preference to at once expressing what my first impressions would lead me to state.

Before I proceed farther I shall, with great pleasure, mention two or three points in which I agree with the noble Marquess who has just sat down. I cordially join with him in commending—I was going to say, though I can hardly venture to use that word—but I cordially agree in saying with him that the speech of the hon. Gentleman who made this Motion was exemplary for its moderation and ability. I beg to say also, that I am prepared to follow the example of the noble Marquess, to use no subterfuge or disguise, but to declare my opinion openly, avoiding as much as I can any cause of offence to any one. The noble Marquess told us that upon two leading points he had expressed his opinions without disguise: first, that the great body of the working classes, including the agricultural labourers, have not been gainers by the recent changes in our fiscal policy; and next, that it was his deliberate opinion, upon reflection, that sooner or later it would be found expedient to return to a system of protection. The noble Marquess enunciated these two principles, and at the same time added, what was wholly unnecessary, that he hoped that in doing so he had said nothing offensive to the House. I am sure the noble Marquess need not have apprehended such a result. Now, Sir, I mean to join issue with the noble Marquess upon both those points. I trust also that in the manner in which I shall argue this question, I may omit, what he has so entirely avoided, using one word which may be disagreeable to the feelings of any Gentleman who differs from me.

The hon. Member who made the Motion expressed a hope that there would be no outcry against rent in debating this question. Now, from me the hon Member can anticipate no such attack upon rent; for upon rent depends all that the person who now addresses the House possesses in the world. If rents are increased, no one will probably be a greater gainer than I shall be by such an increase; and, if they materially fall, there is no one on whom a greater injury will be inflicted by the depreciation. Then, again, the hon. Member said he hoped there would be no attacks upon the English farmer. Why, I should be the most ungrateful of men living if, upon any occasion, I allowed one word to escape my lips injurious to the character of the English farmer. I have known them long—I have been associated with them in times of prosperity and of difficulty. I can only speak with perfect knowledge of my own tenantry; but I must say that, high as has been my admiration of the English farmer at all times, that opinion within the last three or four years has been greatly exalted —for I have never seen a body of men who have encountered difficulties, and the extraordinary discouragement attendant upon those difficulties, with equal firmness, equal patience, or equal fidelity in the performance of their fixed engagements. I should, therefore, be the most ungrateful man living if, with these impressions, I should fail to give utterance to them at every fitting time and place, and particularly in the House of Commons. I think there are some admissions which, in order to argue the question fairly, may well be made on both sides. I admit that the depreciation in the price of corn has been somewhat greater than I had anticipated. I also admit that the duration of that depreciation has been longer than I anticipated. On the other hand, the hon. Gentleman who introduced the Motion made a very large admission, as it appears to me. If I did not misunderstand him, he admitted that, excepting the landlords and the occupiers of the soil, the general condition of the great body of the people of this country was prosperous, happy, and contented. Now, I conceive that this is an immense admission. But the noble Marquess who has just sat down has somewhat retracted that admission; for he argued that the agricultural labourer had not partaken of the general prosperity. Now, the question of the condition of the labourer lies at the root of the whole subject, in my opinion. I do not undervalue the importance of the landlord—I do not undervalue the importance of the farmer—but still, whether speaking numerically or as regards the happiness, peace, and welfare of the community, I cannot overlook, I cannot but regard as paramount, the condition, the welfare, and the happiness of the great body of the people, including the agricultural labourer.

The hon. Member for Buckinghamshire hoped that we should not be inundated with statistical returns respecting the poor-law. I had thought that portion of the subject had been nearly exhausted by the Chancellor of the Exchequer, and I should therefore very unwillingly have reverted to it to-night; but the noble Marquess has re-introduced it, and it is impossible not to recall to his recollection, and to that of the House, some points which have been established, by indisputable documentary evidence, by the Chancellor of the Exchequer. I might go to any part of the united kingdom, but I shall first take Ireland. There is a remarkable document which has been laid on the table of the House since the commencement of this Session, and which, I confess, has far exceeded my most sanguine expectations, and that return refers to Ireland. Will the House believe that while, in 1848, 1,400,000 ablebodied men were receiving relief—not within the walls of the workhouse, but out of the House—that while, in 1849, the number was 1,210,000, in the last year this frightful and enormous amount of persons receiving relief out of the workhouse was reduced to 372,000? With respect to Ireland, this is the most satisfactory fact which has been presented to my knowledge. Now, with regard to England, it will be recollected that according to the doctrine of the hon. Member for Buckinghamshire the poor-rate is the leading local burden which falls upon the farmer and landowner. Well, the amount of money expended for the maintenance and outdoor relief of the poor in England in 1850 was about 400,000*l.* less than the sum expended in 1849—an amount of reduction equal to 10 per cent on the whole charge. Nor is this the most satisfactory circumstance, for the number of ablebodied poor receiving relief in 1850 was reduced about 14 per cent on the whole. The noble Marquess also referred to Scotland; and here also, although I have no knowledge of the matter beyond what documentary testimony affords, I cannot help thinking the noble Marquess fell into a great error with respect to the increase of pauperism in Scotland; for I find that in 1850 the number of casual poor so far diminished as to be less than it has been in any other year since the Poor Law Amendment of August 1845, came into operation. But, before I refer to this document, I beg to say that I should not have been surprised to have heard that there was some increase, because my own impression has always been that a very scanty measure of relief was dealt out to the poor of Scotland; and I should not, therefore, have been sorry to have heard that there had been some increase of relief. Still, I have the greatest confidence in the Board of Commissioners which administers relief there. I know that they are most anxious that strict justice should be done between the claims of pauperism on the one hand, and the expenses borne by property on the other. I know that they are most anxious that, on the one hand, every just claim presented to them should be met in the spirit of mercy and kindness; and that, on the other, everything that is an encouragement to idleness, and to indigence arising from idleness, should be withheld. Well, what are the facts with regard to pauperism in Scotland? So far from there being an increase, it appears from the report which has just been presented to the House—

> "That from 1845, when the recent Act came into operation, and for at least ten years previous to that date, the expenditure on account of relief to the poor, exclusive of other charges, has exhibited a constant annual increase till—when?—till the year ending May, 1850, when, for the first time it has so far decreased as to be 22,695*l.* less than that of the preceding year, and 9,032*l.* less than that of the year ending May, 1848."

But that is not all. It appears further that the number of registered poor relieved during the year ending May, 1849, was 106,434; and during the year ending May, 1850, 101,454, showing a diminution of 5,000; that the number of poor who died, or ceased to receive relief, in the year ending May, 1849, was 24,077, and in the year ending May, 1850, 22,423, showing a decrease of about 1,600; that the number of poor on the register in May, 1849, was 82,357, and in May, 1850, 79,031, showing a decrease of 3,326; and that the number of casual poor—one of the heaviest charges in Scotland, arising from the immense amount of immigration from Ireland—the number of casual poor relieved during the year ending May, 1849, was 95,686, and in the year ending May, 1850, 53,070, showing a diminution of 42,616. But the noble Marquess said, with great truth, that a very large proportion of the indirect taxation of this country is borne by the large mass of the community. But the moment he makes that admission, I look to the state of the revenue. I remember, on a former occasion, I dwelt upon the remarkable fact, that 31,000,000*l.* of our annual revenue were raised from the great body of the community on the necessaries of life, or on articles hardly of luxury, but to them of primary importance, such as tobacco, spirits, beer, the produce of malt, tea, sugar, coffee, &c. Now, what can be a more direct test of the general prosperity of the community than when, notwithstanding the great remission of taxes which has recently taken place, the Customs and Excise are maintained almost without any diminution, and the Chancellor of the Exchequer meets Parliament with a surplus of nearly 3,000,000*l.*; and when, coincident with the absence of defalcation in taxation, it is admitted by the hon. Member for Buckinghamshire that there is prosperity and happiness among the great body of the people? My surprise is very little diminished when I look to another official return which was also laid on the table yesterday. What is the great cause of prosperity among the working classes? Why, ample demand for workmen, and employment and good wages consequent on competition to obtain labourers. In the history of this great commercial country there never was a time when the value of our exports, which are the produce of our industry, amounted to anything like the sum that it appears by these accounts they did last year. That amount is almost fabulous—it is hardly credible. Up to the 1st of January, 1851, as the Chancellor of the Exchequer informed you, it would be found that the value of the exports exceeded the sum of 70,000,000*l.* sterling within the year. I do not wish to go into all those matters too much in detail, but I will just run over a few facts which bear on the question before us. Falsification of prophecies! Why, Sir, I have admitted that some of the expectations I had formed have not been realised; and prophecies are always very dangerous things when they relate to the prices of a fluctuating commodity, dependent on the variation of the seasons; but let me here recall to mind some of the prophecies which were made with respect to the repeal of the navigation laws. Is not the increase of tonnage outwards a proof of increased export of British commodities? and, if so, I will show you there has been an actual increase of British shipping and British tonnage outwards. [Mr. HERRIES: "Outwards?"] Yes. Notwithstanding all the experience of my right hon. Friend, I still challenge him to prove to the House that outward tonnage is not a test of export of British commodities—the results of British ingenuity and labour. [Mr. HERRIES: What of tonnage inwards?] My right hon. Friend wishes to come to tonnage inwards. Well, I think the diminution of British tonnage inwards is not above 3,000 or 4,000 tons. [Mr. HERRIES: It is 330,000 tons.] My right hon. Friend is generally very accurate in these matters, and perhaps a reference to the returns will set the question at rest. The returns I refer to were put into the hands of hon. Members this day. My right hon. Friend is correct, and I am in error. I can assure hon. Gentlemen below me, it is not my wish to mar their triumph, or to mis-state any fact. I will come to the figures which I have in the return before me. As to the question of outward tonnage, there is a matter of dispute between me and my right hon. Friend, whether it is a fair test of the prosperity of the trade of the country or not; but, passing that by, I will quote the figures of the returns in my hand. It appears, then, that the number of British ships cleared outwards in 1850 was 17,169; the number cleared out in 1851 was 17,648. The tonnage of the shipping in 1850 amounted to 3,762,000 tons. The tonnage in 1851 was 3,960,000 tons; showing an increase of tonnage outwards for the latter year. We now come to the tonnage inwards of British ships from the united kingdom and its dependencies. The tonnage of British shipping and British colonial shipping in 1850 amounted to 4,390,000 tons. The tonnage for 1851 was 4,000,078 tons. Now, I admit I was inaccurate, and that I thought the difference of tonnage inwards much less; but I still repeat I am surprised, considering all the circumstances of the last two years, that the difference was not much greater. Why, did you not predict there would be a great increase of the United States' shipping inwards? When I look to the returns I see the American tonnage cleared inwards, in 1850, was 587,000 tons, while the tonnage cleared inwards, in 1851, was 595,000 tons—a very inconsiderable increase, but the number of American ships entering British ports in 1851 was only 748, as contrasted with 896 in 1850. That I conceive to be, when I remember what I regard as the peculiar circumstance of large importations of corn during the last two years, a fact which, on the whole, is a falsification of the prophecies which were made on the part of my hon. Friends who opposed the policy of those years, and looked with alarm at competition with the shipping of the United States of America.

But, in consequence of the cheer of my right hon. Friend, I have been led further into this part of the subject than I had intended. And now to return to the more immediate question before us. After all, Sir, the test of the real prosperity and well-being of the great body of the people is one which I am afraid hon. Gentlemen sitting on this side of the House will not think with me a certain and infallible one; but it is one which I put higher than any of the rest, and than all the rest taken together. And what is it? It is that of which the landed interest are accustomed to complain—the immense importation of foreign wheat and flour. Millions of quarters of wheat and flour have been imported; they have been paid for—they have been consumed. How have they been consumed? Why, I believe millions of mouths have been fed with wheaten bread which, but for these importations, would have wanted food; and that, I say, after all, is the most conclusive evidence that can be adduced of the real prosperity and welfare of the people of this country.

Sir, the hon. Member for Carlisle (Mr. Hodgson) introduced the subject of the state of my neighbours in Cumberland, and more particularly the condition of the weavers in Carlisle. Now, I will first touch on the question of the weavers. Now, the hon. Member omitted to inform the House what is the peculiar character of the cotton trade in Carlisle and its vicinity. He did not tell us that it is a hopeless competition between handloom weaving and machinery; and I remember stating before to the House a circumstance which makes this competition peculiarly unfortunate—that this handloom weaving, struggling thus, as I believe, in vain against machinery, is embarrassed by this peculiar difficulty—that it is the manufacture into which the largest quantity of the raw material enters—it is a trade in heavy cotton goods containing the largest quantity of the raw material. It happens most unfortunately for the handloom weavers that the price of raw cotton has greatly risen, and the usual employers of handloom weavers have been increasing their power of machinery to meet the difficulty, and in order to encounter the high price of cotton are passing from handloom weaving to the greater use of power-looms. This is a peculiar circumstance of recent origin, but I am bound to say I have always felt and thought that the days of handloom weaving were all but numbered, and that the struggle with the power-looms must end in defeat. But this is a question of the price of cotton, and, strange as it may be, it opens out a ray of hope even to the landed interest. Whence does this ray come? Why, it comes from the quarter whence they least expected it:—

————" Via prima salutis,
" Quod minimè reris, Graiâ pandetur ab urbe."

It is from the mills of Messrs. Bright and Co. It is from Rochdale that this light of hope opens on the landed interest. Hopes are entertained—confident hopes—that by a new management of the flax stalk flax wool may be used in large proportions, and with great advantage and diminution of cost in mixture with cotton wool, sheep's wool, and even with silk. And, Sir, for my part, I cannot conceive any dispensation of Providence more merciful than that science and skill should succeed in overcoming this difficulty, whereby we should be rendered in a great degree independent of foreign supply in the great staple of our textile manufactures, while a great stimulus would be given to them; and if, happily, this encouragement to the cultivation of flax here should succeed, I am very confident we shall hear no more of the distress of those handloom weavers, and that the cultivation of land will be largely improved by the introduction of capital in growing this new plant, and that this plant will be of peculiar service to the agriculturist from its being peculiarly adapted to increase the fertility of the soil. I pass from the handloom weavers to the farmers and landlords of Cumberland. I know none of the cases to which the hon. Member alluded when he adverted to a farm which has been recently relet in Cumberland at a considerable diminution of rent. The noble Marquess has spoken of his labourers. Perhaps I may here be permitted to say a few words respecting my tenantry. I have already stated to you the infinite obligations I am placed under by the conduct of my tenantry; Sir, I stand here this moment without an acre of land unlet which I wish to let. I have not for the last five years changed two tenants who pay me above 100*l.* a year, and I have not an arrear of 300*l.* on my whole rental. That is the state of my county, so far as I am concerned. But I look to the estate of my neighbour, of my colleague, and of my friend, as I am proud to call him—the Duke of Buccleuch; one of the greatest proprietors in the south of Scotland, and one who differed from me as to the policy of a change in the corn laws. He has not in Roxburghshire and Dumfries let land falling out of lease—and those leases are usually for nineteen years —at any diminution of rent. A case has been mentioned by the hon. Member for Buckinghamshire of a farm in East Lothian, and I dare say some hon. Member more conversant with the details of that property than I am will speak upon that point; but, as I am informed, the farm in question had been previously in the hands of the owner, and had never been let before—that it was never calculated to be worth more than 1,800*l.* a year — that some speculative farmer took it at 2,200*l.*, that he made an imprudent and improvident bargain, and that a remission, therefore, has taken place, reducing the rent somewhat below 1,800*l.* a year, but not much. I have friends in East Lothian, and I have made it my business to inquire into these matters, and I am told farms let freely as they fall out of lease without any diminution of rent whatever; and also I am informed that the value of the fee-simple, which is the real test among the shrewd and sagacious people of Scotland, has increased since the repeal of the corn laws. I have said I have no farms to let; but I have perceived that since the repeal of the corn laws there has been a competition for land, arising among a class of persons with whom there was formerly no desire to occupy land, while there was the uncertainty which attended the operation of those laws. Shopkeepers retiring from business, small merchants in country towns —these persons attracted by the pleasures of an agricultural life— [*Ironical cheering.*] Yes, you laugh at that attraction. But I thought country gentlemen would have been the last to laugh, or to undervalue the charms of agriculture and of a country life, in which health, and air, and the simple enjoyments which nature affords, are largely given. But, I repeat it, that small traders of little capital in country towns are now waiting the moment to make investments in farms; the competition for farms on the fall of the lease is unusually great, and I know of my own knowledge that on any change of the present occupiers I could find men with good capital to take my farms. So much with respect to the state of affairs in my own immediate neighbourhood.

But now let us try another test. Are inclosures falling off? Is there any indisposition to bring land into cultivation in this country? Now, I am reminded of a melancholy event, because it relates to a noble Lord with whom I once lived on terms of great intimacy, and, though partial differences may have estranged us before his lamented death, I will never cease to speak of him as a man of great talent, of ability, and energy, of great perseverance in the pursuit of his objects, and of great sagacity in the selection of them. I speak of the late Lord George Bentinck. He was a great promoter of what has been called winning from the sea a new English county. Before his death the enterprise was not completed. Has it been abandoned since? I hear that it is going on as vigorously as ever, and that half of the Victoria county is to be gained. [Lord H. BENTINCK: 60,000 acres.] That, as my noble Friend, the Member for Lynn says, 60,000 acres of land are about being recovered by prudent and sagacious men, who have formed themselves into a company for the purpose of reclaiming half an English county from the sea. Sir, such has been the progress of economical science, that it would be useless to occupy time in any disquisition upon the great question of prices; but still it was touched upon by the noble Marquess, and I cannot avoid mentioning it generally. The cost of production in a long series of years must regulate the price of every commodity, but the market price is constantly for short periods not regulated by that rule. There are disturbing causes, which may make for short periods the market prices fall below the cost of production. The market price is often disturbed by seasons, and by consequent variations in the supply, without reference to the cost of production. Now, the hon. Member for Buckinghamshire rather sneered at the doctrine that the present prices are exceptional. But I should like those who sneer to answer a case of fact. It was touched upon by the Chancellor of the Exchequer, but it cannot be too often recalled to the recollection of Members. There is a country under high protective duties on corn close to our shores, and yet disturbance of price has taken place in France even greater than here. I am informed that the price of wheat in the neighbourhood of Bordeaux not long ago was 28*s.* a quarter, and that under a high protective duty. The market price being below the cost of production the natural consequence necessarily follows, and capital is rapidly withdrawn from the cultivation of the soil. I am told that at the time of the revolution of 1848 there were 300,000 fundholders in France. There are now 800,000 fundholders. Thus rapidly has capital been withdrawn from the cultivation of land by reason of exceptional causes, partly political and partly economical; and what shows still more the character of political disturbances, as tending to withdraw capital there from the cultivation of the soil, there is in France at this moment a powerful disposition to hoard, as is evinced by the rate of exchange, and still more by the rise in the price of silver. It is true, that in calculating the sources whence corn might be expected to be imported into this country, any supply from France was not anticipated, and it now turns out, that while those who were afraid of an over-abundance of bread in this country thought the imports from the United States would be overwhelming, they have been far less than were anticipated; while from France, which was excluded from these calculations, the largest import of any foreign country has been drawn. What do I infer from this? That predictions as to price of wheat are most fallacious. I ask this question—Have we always been very accurate in our calculations? Have we, for instance, always been very accurate with respect to the cost of production, and as to what is a remunerating price in this country? I am, unhappily, grown old in these discussions. I remember the debates of 1815: we were then told that 80*s.* was the minimum remunerating price. I may be told that was under a depreciated standard of value. I lived, however, to see the discussion renewed in 1827, after the standard was restored, when suddenly the lowest remunerating price was declared to be 60*s.* I remember another discussion on the corn laws in 1842, when the remunerating price of 60*s.* was abandoned, and 56*s.* was declared to be the proper amount. And now, I believe, the landed interest, and I use that term in the meaning which has been given it in the debate, as signifying landlords and farmers, would be quite content to abandon 56*s.*, and would be most thankful and satisfied with a remunerating price of somewhere from 48*s.* to 46*s.* I therefore cannot but observe that this matter of remunerating price is one which largely depends on the skill and industry of the grower, and is not an amount so fixed and certain as some Gentlemen imagine. You talk of disturbing causes; but were there no disturbing causes under your old corn laws? Yes—and they were far more disastrous in their effects, and the low prices were more ruinous. The noble Marquess, accustomed to the old rule of reasoning on this subject, spoke of our annual produce being 24,000,000 quarters; but, grant that to be true, and what was the result? If in an abundant season there was an excess of 1,000,000 quarters—and it was impossible to avoid such an occurrence in the variation of seasons—the effect on the market was more instantaneous and powerful than any which, under the new law, and with a more extended market, can now occur. Why, I remember the year 1822, when Mr. Western moved for his Committee, when there had been some bad previous harvests, the result of which was to have a greater breadth of land sown than usual, that there was a good season, that there was a great redundancy of supply, and down went the prices at once to 44*s.* a quarter, and I believe for six weeks they were even under 40*s.* But that case is not so strong as that which took place in 1835, when the average for the year was only 39*s.* 2*d.*, and for some weeks the price fell below any that has been yet reached even under free trade with the largest imports.

But, Sir, anxious as I am to admit any ground of complaint, I cannot, while I acknowledge the distress which unhappily prevails, lose sight of the fact that the Channel Islands, in view of the English coast, did enjoy perfect freedom in the trade for corn during the continuance of our protecting duties, and from their vicinity to England there was the greatest temptation held out to have as much corn stored up as was necessary, at least, for their own consumption; and yet what was the price of wheat during the protective system? For a long series of years it was, as I remember, but 48*s.* Now, I will not venture to make any prediction with respect to the price of corn in future; but this, Sir, I say, that, be the price what it may, the time has arrived when it must be left to find its natural level, and that for any Government or for any Legislature artificially, and by power of law, to enhance it—I say the day is gone by. And why do I say so? I say there is not a ploughboy who plods his weary way on the heaviest clay in England who does not feel practically his condition improved within the last three years — and he knows the reason why. I tell you there is not a shepherd on the most distant and barren hill of Scotland who does not now have daily a cheaper and a larger mess of porridge than he ever had before—and he also knows the reason why. I tell you again there is not a weaver in the humblest cottage in Lancashire who has not fuller and cheaper meals, without any fall in his wages, than he ever had before —and he knows the reason why. Now I must tell you the whole truth. The time has arrived when the truth without concealment must be spoken. I will speak of another class still. There is not a soldier who returns to England from abroad that does not practically feel that his daily pay is augmented, that he has a cheaper, larger, and a better mess, and that he enjoys greater comforts—and he also knows the reason. Now, Sir, I entreat my hon. Friends who sit below me to be on their guard. You may convulse the country—

you may endanger property—you may shake our institutions to the foundations; but I am satisfied that there is no power in England which can permanently enhance by force of law the price of bread. That, Sir, is my honest and firm conviction. The peace of this country, my own possessions, are as dear to me as to any hon. Gentleman who sits on the benches below me; but I feel we have arrived at the period when it is necessary to speak the truth, and to bear it in mind, and I have spoken it without reservation.

And now, Sir, to look upon this question as one of taxation, as the noble Marquess says it is. He put it in the fairest possible manner. He says, the question we have to decide is in what way revenue can be raised with the least burden on the great body of the community. I accept that definition. Nothing can be more fairly put. The noble Marquess has observed on the fact that the labourer in this country is heavily taxed; that he pays taxes on his tobacco, his sugar, his tea, his beer, his spirits, &c. Now, the question that naturally presents itself to me when I hear that is, what is the reason why he should pay a tax on his bread also? Is it a reason for persevering in the endeavour to impose that tax? The noble Marquess asks, how is the deficiency of revenue to be made good if you remove the taxes on articles of primary necessity? and I was astonished, considering his high position, to hear him say that the question was not one for him or of any hon. Member on his side of the House to consider. Now, Sir, in my opinion, that is a question of paramount importance requiring a careful answer, and there is not a Member in this House who is not affected by it. If the establishments of the country are to be maintained and good faith kept, the deficiency arising from taxation ought to be the primary consideration of every hon. Member in the House. Now, the question is short and simple—it is, from what sources shall the revenue be raised? Will you tax labour, or will you tax capital, to the relief of labour, beyond its present burden? In other words, will you reverse your financial system and reimpose on industry those burdens from which realised capital asks to be relieved? That, Sir, was the great question which, as I thought, was decided in 1842. And here let me observe that that great decision has not been unproductive. I am speaking in the presence of Her Majesty's Ministers, and of the right hon. Gentleman at the head of the Home Office. In 1842 I warned the House of the danger of continuing the then existing system of taxation. It has been changed, and the right hon. Gentleman, I think, will be able to tell you that there has been more social order and less seditious movement among the people for the last three years than at any former time; and I attribute that fact to our fiscal policy, to the care and attention bestowed upon the labouring classes, and the relief you have given them, in the price of their food, without reference to their occupation, whether connected with land or with trade.

And now, Sir, I am brought to the objections I entertain to this Motion, which are, that it is in effect, though not avowedly, an approximation to the reversal of the policy I have thus traced to its results. I feel those objections still more, because the words in which it is framed, though claiming to be plain, are studiously elusive, and present nothing tangible. It was said by the hon. Member who moved it, "I do not ask your votes in favour of any specific proposal. It is not my duty to bring one forward." Well, then, I say it is my duty to refuse my consent to a Motion the nature, extent, and tendency of which I cannot understand. Sir, there is a studied ambiguity not only in the Motion but in the very able speech in which that Motion was presented to us. Observe what that speech did. It presented to our consideration a great many things declared to be objectionable, but which the Mover did not seek to remove, and a great many things which he indicated as remedies, but refused to press. I will now take the first class of those charges which he described as objectionable, but which he did not propose to remove. The hon. Member referred to the prohibition of the growth of tobacco. Now, I am surprised that with all the astuteness of the hon. Member it did not appear to the hon. Member that, whether the extremely high duty upon tobacco were remitted or continued, one of two inevitable consequences would be produced. If the duty upon the importation of foreign tobacco were remitted, it would be impossible for it to be grown in this country; for it would come to us from all quarters of America and from many parts of Europe, where it can be produced at a much cheaper price, and of much better quality, and we should then make a great sacrifice of revenue without conferring the smallest advantage upon the landed interest. But, on the other hand, if you permit the growth of tobacco, and continue the present high duty upon foreign tobacco, you will be introducing protection in one of its most flagrant, most absurd, and most objectionable forms. You will be offering a premium to the growth of inferior tobacco to the full extent of the duty, and you will besides offer irresistible temptations to frauds upon the revenue and smuggling. The same objection applies to the growth of beetroot for sugar. If you grow it subject to no duty, and continue the existing duties upon foreign and colonial sugar, there is absurd protection. If you remit the duty upon sugar, in addition to that on tobacco, you will sacrifice 10,000,000*l.* of revenue, which must be supplied in some other way, while the British farmer would not derive the least benefit from the change, for he would be just as unable as he is now to compete with the grower of foreign sugar. I now come to the malt tax. I do not know what the hon. Gentleman (Mr. Disraeli) may have said upon this subject in former years. I do not think, however, that he is in favour of its repeal; and I am sure that the leader of his party in the other House, Lord Stanley, is not, for that noble Lord, in and out of office, has said that it would be inexpedient to repeal that tax; that it was paid, not by the producer, but by the consumer; and that its repeal would carry with it no benefit to the land commensurate with the loss to the revenue. These are, then, the first class of difficulties with which the hon. Gentleman said, the agriculturists had to contend, but which he did not seek to remove.

I now come to the second class of remedies which the hon. Gentleman indicated as desirable, but which were not pressed by him. The first was the cultivation of land *en commandite.* Now, the hon. Gentleman the Member for Nottingham (Mr. F. O'Connor) has had some experience of the cultivation of land *en commandite.* He has tried the experiment. I do not know whether he is favourable to the plan, but I believe his partners were not, and I believe the only parties who derived any benefit from the scheme were the gentlemen in Westminster-hall. At all events, the experience we have had on this subject would not induce me to look for relief to the agricultural interest in this direction. The law of settlement was next adverted to by the hon. Gentleman. Now, I rejoice that the right hon. Gentleman at the head of the Poor Law Board (Mr. Baines), who is now a part of the Government, has expressed an intention of dealing with the law on this subject. I have before expressed my opinion that the landed interest will gain extremely, by an alteration in the law of settlement, and gain in the most legitimate manner, because the agricultural labourer is, after all, the principal sufferer from the present state of the law. His labour is his only property, but by the force of the law you restrict the free employment of his labour within the circuit of one of 14,000 narrow circles; whereas, by adopting a union settlement in the place of a parish settlement, you do a great deal to emancipate the labourer, for you widen the sphere of his labour, and enable him to seek employment within 600 circles. But I warn the hon. Gentleman, if he has not well considered this matter, there are lions in his path. He will, if I mistake not, encounter the opposition of some distinguished representatives of the landed interest. The hon. Member for Dorsetshire (Mr. Bankes), and, I believe, the hon. Member for Oxfordshire (Mr. Henley), will be against him; and I suspect that the landed interest will be found very much divided in opinion as to the benefits of such an arrangement, and whether it would be desirable to introduce a union settlement and a union rate. But that is not the plan of the hon. Member for Buckinghamshire. He opened to our view the much larger measure of a national rate. It is true he did not pledge himself to support it, and I, for one, know no course that the House of Commons could take more dangerous in every respect than a measure having such a decidedly Socialist direction as instituting a claim to maintenance at the cost of the nation. A national rate for the relief of the poor would, as I believe, hand over the property of this country and the industry of this country to idleness and indigence—indigence, the fruit of that idleness, and idleness encouraged by the hope of relief from a boundless source. Such a measure would be Socialism, and Socialism in its most dangerous form. The hon. Gentleman also adverted to the commutation of tithes. Well, now, I say that the less the landowners say on this subject the better. I, as a landowner, am entirely satisfied with the bargain we have made. We had before the Title Commutation Act passed an ugly copartner in the soil, who, contributing nothing of industry or capital, yet shared in all the produce of our industry and the profits of our capital. That growing claim to the increasing value and produce of the soil was cut short and ousted by what was certainly a very stringent, and, as I thought, very politic measure. But what was the effect? I think that the poet's advice to the domestic chaplain —"Stick to thy pudding, friend, and hold thy tongue," is applicable to us. The parson was not well pleased with the Act, but the country gentleman has every reason to be pleased with it. The parson in future shares in a fixed and immutable quantity, however much increased the amount of produce may be. He gets no share in any increase in quantity, and yet he shares in the diminished value of the increased quantity through the fall of price. My advice to the hon. Gentleman is, then, to let the Tithe Commutation Act remain untouched. The hon. Gentleman then came to the repeal of the Banking Act of 1844. Now, I would ask him when the supply of bullion in the coffers of the Bank has been more abundant than since the passing of that Act? I should like to know when the issues of paper, both by the Bank of England and the country banks, coincident with and justified by the amount of bullion in the Bank, have ever been more sound or more unrestricted? I should like to know when the rate of interest has ever been lower for commercial transactions or for mortgagees than during the last three years? And I tell the country gentlemen that if they seek to operate through the medium of the currency, they must go much further than the Bank Act of 1844. The hon. Member (Mr. Disraeli) went on to say that the best course which he, as a leader of Opposition, could take was to recommend that certain local burdens to be remitted should be placed upon the Consolidated Fund. Now, if we look merely at the tactics of a leader of Opposition, that may be so; but if we look at the public welfare, and the interests of public economy, then no more dangerous course would be pursued by the Government. I have had some experience, and I have observed that all charges once placed upon the Consolidated Fund are seldom revised, seldom abated, and never removed. That is my experience, and I am therefore jealous of placing local charges upon the Consolidated Fund.

But then I may innocently ask, what is really intended by this Motion? What does the noble Marquess (the Marquess of Granby) ask the House to do? The hon. Member who introduced this Motion does not ask you to return to protection. But the noble Marquess is more explicit, and with manly frankness declares his opinion, that it would be better to return to protection. Now, I say that if this Motion does not mean that we are to return to protection, what in the name of common sense does it mean? The hon. Gentleman the Member for Buckinghamshire in his preliminary observations avowed that he had this remarkable object in view—he implored us to forget the past. Now, this struck me as very much like administering a dose of choloroform before a capital operation. It was not a soporific, certainly, but it lulled the senses very sweetly. However, I have since had time to recover from the effects of this anodyne. I am no longer steeped in oblivion, and I have come to the conclusion that it is our duty to look to the past. The hon. Member told us the other night that he adhered strictly, severely, and religiously to all that he had said on this subject in a former debate—namely, the memorable debate which took place on his Motion relative to the burdens on land at the beginning of the last Session. I have compared the declaration of last year with the declaration of this year; and I hope I shall not say anything in the least displeasing to the hon. Gentleman if I quote the important words used by him in the debate last year, and contrast them with some of the expressions used by him this year, because, in a case where we are not quite sure what is really intended, it is important to dwell on words, to weigh them, and endeavour to ascertain their meaning. The hon. Member last year, on bringing forward his Motion relative to the burdens upon land, said—

> "On this side of the House we believe that this depression has been occasioned by recent legislative enactments — by the recent repeal of the laws which regulated the importation of foreign agricultural produce. We believe that the surest course, the most safe, the most efficacious, the course which, in the long run, would be most advantageous to the community, and most popular with the community, would be the re-establishment of laws regulating the importation of that foreign produce. Speaking for those Gentlemen with whom I have the honour to act, I can say that we do not in any way shrink from an argument upon that subject. We have seen nothing at all which in our opinion confutes the conclusions which, in good report and evil report, we have attempted to advocate in this House with regard to that great subject. We still believe that the principles on which you have constructed your

commercial code are fallacious." [*Hansard,* Third Series, vol. cviii., 128.]

These words are strong, but still they are not so strong as those which were quoted by me in the debate of the 21st of February, which were taken down by me when spoken, and not disclaimed by the hon. Member (Mr. Disraeli):—

> "I do not bate one jot of what I have always declared. I adhere to every argument and every opinion on this question; and I tell you I think it would be wiser and more politic to return to protection—no longer to cease to impose duties of revenue on articles from abroad, including corn, and thus indirectly to raise revenue having the effect of protection."

Words more clear could not be used; and they indicate a distinct policy, which is known to be advocated by the great body of the party of which the hon. Gentleman is at the head. Now, what were the words used by him upon the present occasion, the night before last? I have the words before me, and I cannot find in them anything at variance with the language used last year. The hon. Gentleman told us on Tuesday night—

> "I last year said what I now adhere to severely, strictly, even religiously. I said, then, that I would not in this Parliament make any attempt to bring back the abrogated system of protection."

Observe the hon. Gentleman says, "in this Parliament." Again, he says—

> "It would be most disastrous for the community that you should accord these claims, which, in the spirit of severe justice, the agricultural interest has a right to prefer."

Observe, this points to compromise—what is that compromise?

> "It has been proposed by Mr. M'Culloch that the deficiency in the revenue might be supplied by a fixed duty on corn. I say, that we cannot admit that a fixed duty or a countervailing duty is an arrangement in favour of the agricultural interest. It is an arrangement which, as Members or as Ministers, we may think would, on a balance of circumstances, make what was called the best bargain for the community. I am not called on to say what might be the effect of imposing a 5*s.*, or an 8*s.*, or a 10*s.* duty. They are propositions which may be considered, and they may be in the nature of a compromise, in which, like all persons receiving compensation, the land would not be likely to receive more than half its due."

Reference then is made to the financial exercitation of the right hon. Member for Stamford, with which we were treated in 1848, wherein he laboured to prove that a moderate fixed duty fell on the foreign grower, and would not enhance the price to the consumer. Now, here is a difficulty. I am bound to put the best interpretation I can upon the mystical expressions used last year and this year, and reading them by the aid of the glossary of the Duke of Richmond, I put an interpretation upon them last year, and to that I now adhere. Remembering that it is said that they "as Ministers" would have a right to impose a duty upon foreign corn, and that it is also said it would not be right to attempt to impose that duty in the present Parliament, I come to the conclusion that the object of the hon. Gentleman and his party is to turn out the present Administration—to dissolve the Parliament—to return to protection in the next Parliament—and to reimpose a duty upon corn. That is the interpretation I put upon the hon. Gentleman's speech last year, and that is the interpretation which, upon the whole, I am disposed to put upon it now. Frankly avowed, there can be no more legitimate policy for a party. I know not what the result of that attempt might be. I think it would be a dangerous attempt, inconsistent with the preservation of the peace of the country and with the safety of property; and an attempt which I could not agree to join in making. On the other hand, I see very plainly that we are on the eve of a great and serious struggle. I see a party of Gentlemen in this and the other House of Parliament, powerful in numbers, powerful in the respect in which they are held for their personal and hereditary virtues, having great influence in the country and great possessions; they are an interest which, up to the present moment, has commanded great influence with the Government; and, with the community at their back, they exercise a power upon any question that is irresistible. This powerful party have in this House no insignificant leader. The hon. Gentleman (Mr. Disraeli) is the accredited leader of that party. I may say, that very early I appreciated the great talents of that Gentleman; and the time has now arrived when it is impossible for any one to gainsay or undervalue his commanding ability as a debater in this House. But this is not all. The leader of this party in the other House, (Lord Stanley), is a noble Lord ever foremost in the battle, of dauntless courage, of eminent ability, and of spotless character.

I have stood beside him in the fray, and I know how formidable is his vigorous attack, and how broad is his protecting shield :—

> ——"Experto credite, quantus
> In clypeum assurgat, quo turbine torqueat hastam."

With such opponents it behoves us to gird up our loins. I know not whether the watchword, "Up, Guards, and at them!" may not already have been given. It is clear to me that the opponents of protection must prepare for a severe conflict. They must stand upon the defensive. They must stand to their arms, and close their ranks, and prepare for a firm, manly, and uncompromising resistance. There is one point to which I wish to advert, but my heart is so deeply grieved that my tongue almost refuses to utter what my feelings dictate. The author and the champion of that policy which I think it is the tendency of this Motion to reverse, has been withdrawn from us. He has ceased from his labours, and is at rest. He no longer shares in the angry strifes and conflicts of this House. But, although dead, he still speaks, and from the tomb I still hear the echoes of his voice resounding within these walls. I well remember the memorable words that closed the peroration of the magnificent speech which he delivered last Session, in answer to the hon. Member for Buckinghamshire, when he said—

> "I still adhere to the opinions I have expressed, and I earnestly hope that I may never live to see the day when the House of Commons will retrace its steps."

He is gone, and may Heaven avert the omen that the House of Commons is about to retrace its steps! My voice may be feeble, and my power insignificant. But, Sir, my part is taken. I hold it to be a sacred duty and a sacred trust to defend that policy to the best of my ability; and, as a proof of my sincerity, as an earnest of my firm determination, I give my unhesitating vote against this Motion.

Mr. BOOKER said, if he had followed the inclination of his own mind he should have forborne to take any part in the debate in this early stage of his political career. But he had the honour to represent a great agricultural county, though his own personal interests were more immediately connected with manufactures and commerce. He therefore felt that he should ill discharge the duty he owed to his constituents, and to those interests with which he was more immediately connected, if he declined to take part in the present discussion. The hon. Gentleman who opened this debate felt that he had one great anomaly to deal with, and this difficulty was not diminished by the mass of anomalies subsequently imported into the debate. Still he did not regard them as at all inexplicable or overpowering, and felt assured that if they could arrive at the solution of one difficulty, there would be very little difficulty in unravelling all the rest. He proposed to comment on the various topics in the order in which they occurred in Her Majesty's Speech. That Speech evidently was prepared with more than the ordinary caution usually bestowed even upon great State documents of that kind. One portion of that Speech had been brought before the House by the hon. Member for Buckinghamshire in a speech of the most transcendent ability. Our gracious Sovereign was made to tell Her Parliament, that notwithstanding the large reduction in taxation effected of late years, the receipts of the revenue had been satisfactory. Here, then, they had the anomaly of a Chancellor of the Exchequer feeling satisfied with a retrograde, if not a failing revenue. He held in his hand an account of the net public income of the United Kingdom of Great Britain and Ireland ending the 5th July, 1850, and also a similar account ending 5th January, 1851, and what did they show? That whilst the excess of income over expenditure at the former period was 3,438,358*l.* 17*s.* 4*d.*, the excess in the latter period was 2,579,006*l.* 3*s.* 3*d.*, thus showing a decrease in the excess of nearly 1,000,000*l.* sterling within the period of six months. But he found it exceedingly difficult to deal with these accounts. In the Post Office, for instance, there was a charge of 820,000*l.*, not including the packet establishment, which cost 738,000*l.*, nor the payment to the East India Company, to the amount of 200,000*l.*, which would make that side of the account show a positive deficiency. But the right hon. Gentleman the Chancellor of the Exchequer told them, and truly, that the estimated amount of reduction and repeal of taxation within the last ten years, had been 10,762,000*l.* since 1841, while the amount imposed in that period was only 5,655,000*l.*, being a balance in favour of the public of 5,107,000*l.*, and yet the revenue had increased by 4,700,000*l.* He thanked the right hon. Gentleman for taking a period of ten years, for during that period, as evidenced by the last census, the population would probably be found to have increased about 12 per cent; and in the approaching census he apprehended the increase of population in Great Britain and Ireland would be 3,000,000, and he could not but think that 3,000,000 of mouths, with their proportionate number of heads and arms, must bring something to the public revenue—which could scarcely be less than 1*l.* per head per annum. That, if population in a country was worth anything, would account for a considerable portion of the increase; and to this must be added the revenue derived from increased railway travelling. But to pass to the next paragraph of the Speech. Her Majesty was made to say, that "the state of the commerce and manufactures of the United Kingdom had been such as to afford general employment to the labouring classes." That was an exceedingly cautious expression. He admitted that they had afforded general employment to labour, but he denied that they had afforded productive employment to capital, upon which only the safe employment of labour and its permanent endurance must depend. It was necessary that he should bring this to the test of figures, and in doing so he must crave the indulgence of the House. He would first take the shipping interest, and then pass to the consideration of the home trade. He found that in 1845 the number of British ships with cargoes entered inwards was 20,292; ships entered outwards, 17,169. In 1850 the number entered inwards was 18,843; outwards, 18,077—making 36,920: leaving a decrease in ships of 541 in number, and 2,335 in tonnage. In foreign ships he found entered inwards and outwards 20,500, with a tonnage of 3,350,000; and in 1850 the number entered inwards and outwards was 27,000 odd, with a tonnage of 4,070,000; showing, therefore, an increase in foreign ships of more than 6,500, and more than 722,000 tons. A comparative statement of the returns for the last ten years showed that while the increase in the number of British shipping had been 35 per cent, the foreign ships had increased 91 per cent. He would now call attention to the state of the home trade, and here he must remark whatever stress might be laid on the advantages attending an increase of imports, they ought carefully to see whether they were balanced by the exports. The exports in 1849 amounted to 89,247,915*l.* in value, while the imports were 105,874,000*l.*, leaving a tremendous balance of trade against this country. The last account stated the aggregate official value of imports into the united kingdom to be 89,170,000*l.*, and the like declared value of British produce and manufactures exported from the united kingdom to the same countries and colonies, 60,152,670*l.*, the exports from Ireland being left out altogether. This return raised a most serious question to the home trade. There had been a decrease in the cotton trade to the amount of 5,786,000*l.* He would now go to the woollen trade; but, before he did so, he could not refrain from expressing the surprise with which he heard the Finance Minister allude as a subject of congratulation to the exports of wool and yarn, for by the exportation of the raw material we were, in fact, raising up competitors in manufactures against ourselves. But he would now take the woollen trade. In woollen goods the decrease in the quantity consumed in the home market was 2,502,670*l.* He would now take another trade, and one in which he was personally engaged—the great staple iron trade—which was essentially a national trade, as every part of it, from the ore and the fuel to the article manufactured for exportation, was the object of British skill, British capital, and British labour. In iron there was a diminution of value in the consumption of the home market to the extent of 2,788,587*l.* The circumstances of that branch of our national manufactures were these, that the value of the produce had suffered an enormous reduction since the free-trade measures of 1846—full 45 per cent—while the wages of labour to the operative, who raised the ore and fuel and smelted and manufactured the produce, had diminished 57½ per cent. He believed that other branches of our national manufacture would be found to be pretty much in the same condition. There were most disastrous rumours in the City that day from Scotland; and he might appeal to the Manchester Gentlemen whether their branch of manufacture was ever in a less satisfactory state; but he was unwilling, as a Member of Parliament, to create alarm. He warned them, however, to beware, lest, while they were seeking the phantom of foreign trade, they lost the substance of the home trade. He utterly denied that the condition of the labourers, either manufacturing or agricultural, was improved. In the county which he had the honour to represent, wages had diminished to an immense extent—to a greater extent than the diminution which had taken place in their articles of consumption. He was so sure of the good feeling among the manufacturing and operative population, that he was certain that if agitation were allowed to subside, they would gladly hail the introduction of any measure which would give their agricultural brethren, whom they knew to be their best customers, justice and fair play. Justice and fair play they must have. The hon. Member for Buckinghamshire, in moving the present proposition, had very properly said that, as this question had been debated over and over again in an adverse House of Commons, he would not reiterate his opinions and determination here, but that he would leave the whole matter of the reversal of the present policy to be settled by the country. He assured the House that he knew the feeling which existed in the country. He had been sent by a great agricultural county without a promise being given or implied; but he was sent under such circumstances that he would be ashamed of himself if he flinched from expressing the conviction he felt, that, sooner or later, the House and the country must return to a fair and proper measure of protection to British industry. It was a principle upon which there could be no cavil. If the foreigner was permitted to come into our markets—and God forbid that he should not, under proper regulations!—and bring his competing produce here, then he (Mr. Booker) desired to know under what principle it was that he was not to be called upon to contribute to those fiscal burdens which gave protection to his competing produce, when he brought it into a market which ought to be the market for the labour, industry, and capital of our own population? The House might depend upon it, say what hon. Gentlemen might, that they could not maintain their arguments, nor could they maintain their assertions. They had been deceived. They had deceived themselves, and had, unwittingly he was sure, deceived others. But the time was approaching when justice must be done. The country was in peril; and, as a commercial man and a manufacturer, he asserted that they could not maintain the colossal fabric of their commercial and manufacturing system if they undermined the foundation upon which it rested — the agriculture of the country. At all events, he could see no principle upon which the foreigner, whose competing produce was brought here, and who was hurrying on the pauperism of the country, should not be called on to pay his fair quota in aid of the funds for the relief of that pauperism, if he did occasion it, and the lightening of the pressure of the local and parochial burdens of those into whose market he intruded himself. As an act of justice and of policy, then, he called upon the House to look those difficulties fairly in the face; not to continue temporising with and reasoning against facts and disasters which could not be gainsayed; not to shut their eyes to the difficulties in which the mainstay of the country was now placed, but to give all interests justice and fair play. He would call upon the Minister to assure himself, and to assure his Sovereign, in the words of one whose opinions were at least entitled to all respect—he alluded to the great Lord Erskine, who said—

> "Vain are all your hopes for your suffering country; for you might as well expect to see a tree flourishing in full vigour when its roots are perishing or decayed, or the human body in active motion when palsy has reached the heart, as to see trade, or commerce, or manufactures, of any kind or description, flourish, when agriculture has declined."

He thanked the House for the patience and kindness with which it had listened to him, and he trusted that he had not abused its indulgence.

Mr. LABOUCHERE said, he was sure the House must have experienced much gratification at hearing the speech of the hon. Gentleman, who, as he had truly observed, represented a great agricultural county, and was himself connected with an important branch of our manufacturing industry. He believed it was the desire of both sides of the House that this discussion should terminate during the present evening, and he should endeavour to promote that object by confining his remarks to the narrowest limits. It was not his intention to enter into a discussion of the general question then before the House; namely, the propriety of altering a great national system of taxation. The policy of reversing the commercial system adopted of late years had been so fully debated and so well argued by his right hon. Friends the Chancellor of the Exchequer and the right hon. Member for Ripon, that he was quite content to rest the case of those who were opposed to the Motion of the hon. Member for Buckinghamshire upon the arguments and statements adduced by those two right hon. Gentlemen. He was surprised that so many questions connected with the trade and commerce of the country should have been incidentally brought before the House on this occasion, for notwithstanding the professions of the hon. Member for Buckinghamshire in introducing the subject to the House, every Gentleman who had since spoken upon it —and none more so than the hon. Gentleman who had just sat down—had felt that the proposal did in fact amount to a change of policy, which would affect every branch of trade and manufacture in the country, and that therefore the defence of the policy which was now impugned must rest upon the results it had produced upon the industry of the country, and the prosperity and comfort of the people. Those results were ascertainable; and whether they took revenue, consumption, pauperism, exports, or imports, these and every other test which could be applied would give the one answer, that there never was a period, notwithstanding the distress of the owners and occupiers of land, which they all deplored, when the great branches of the industry of the country, when the great body of the population of the country were equally so flourishing, well off, contented, and employed. About most of the facts upon which this statement was made, it was impossible that there could be any dispute whatever. No one could say that the cotton manufacture, taken as a whole, was in a state of depression. On the contrary, they had been constantly taunted with having sacrificed too much to that particular branch of trade. No one would say that the woollen and silk manufactures and other great branches of industry were not only in a state of prosperity, but of prosperity which rested, he was happy to say, upon a sound foundation. But he did admit that there was one important branch of industry, with which the hon. Gentleman the Member for Herefordshire was particularly connected, of which the same could not be said—he meant the iron trade. He felt it to be his duty, therefore, to call the attention of the House to the actual circumstances in which that trade was now placed—to point out the reasons why, in his opinion, it was not, and could not, be in the same state of prosperity as the other great branches of industry he had enumerated, and to demonstrate to the House that that state of things was in no degree to be attributed to the action of our commercial policy. There was, perhaps, no other branch of public industry that had of late years been developed with such extraordinary rapidity as the iron trade. Its extension had, in fact, been almost beyond all precedent. In the year 1830 we made 678,417 tons of iron, in round numbers, whilst in 1843 we made no less than 1,248,780 tons. But the hon. Member for Herefordshire said, that after that period a great collapse took place. Well, was there no reason for that collapse? Why, that was the time when there was such an extension of the railway system in this country that an immense increase in the iron trade was a necessary result. New furnaces were established, and he believed it was well known to gentlemen acquainted with the circumstances of this trade, that furnaces being once established, could not be stopped without a serious loss, and from the information he had received, he learnt that the iron-furnaces now established were capable of producing 2,000,000 cwt. of iron at this moment. After the demand for iron for the extension of railways had ceased, of course the increase of the quantity produced in the same ratio was not to be expected. But that any distress was attributable to a decrease of the exports of iron was contrary to the fact; for by a return then before him he observed that the exports of iron in 1845 amounted to 352,000 tons; in 1849, to 701,000 tons; and in 1850, to 772,000 tons, a much larger quantity than in any previous years. This rendered it quite clear that the difficulties of the iron trade could not be attributed to any falling-off in the foreign demand for English iron. There was no doubt that if foreign countries liberalised their tariff in this respect they would contribute to our advantage, and doubtless, also, secure some great advantages for themselves. And if it were for the interest of this country to cripple and confine the manufacturing energies of other countries, of France and Germany especially, then, as an Englishman, there was nothing which he would so much desire as to see our continental rivals taking iron at double the natural price, and so placing on themselves a burthen and restriction which would effectually prevent them properly developing their resources. That restriction he would desire to see in rival commercial and agricultural nations, but he would more especially desire to see it operating in shipbuilding and shipowning countries. But, as it was not the interest of England to disable her neighbours, so he did not rejoice at viewing the restrictions which were maintained: for it was now being every day more and more admitted that the prosperity of England depended upon the concurrent prosperity of her neighbours. But, for the present, looking upon them merely as rivals, he would say that the persistance of those two nations in the policy of excluding our iron from their markets, was the policy of all others best calculated to give us the first place in the field of competition. There was another very important branch of trade, also, which had been affected by recent legislation, which had been adverted to by the right hon. Member for Ripon, and which he thought it would be most inexpedient that the House should overlook when it was occupied in taking a review of the effects of our present commercial policy upon the general trade and industry of the country. He alluded to the effects produced by the change in the navigation laws upon the shipbuilding and shipowning interests of the country. Now, he ventured to make this positive assertion, that, so far from the predictions of those who stated that that change in the navigation laws would be fraught with ruin to the shipbuilders and shipowners of England, any one who took the trouble to look into the facts of the case, would find that the results of the change had been completely in an opposite direction. Some discussion had incidentally taken place between his right hon. Friend the Member for Ripon, and the right hon. Member for Stamford, with regard to the shipping returns which had been laid upon the table of the House. The right hon. Gentleman the Member for Stamford seemed to think that the inward tonnage was the true test of the effects of the navigation laws, and that any reference to outward tonnage would be fallacious. He (Mr. Labouchere) was ready to admit that formerly it was the opinion of Mr. Huskisson and others, that, to test the navigation of the country, we should look to the inward, and not to the outward, tonnage; but since that was said, circumstances had altogether altered. At that period the shipping which left our ports did so to a great extent in ballast, either wholly or in part, whilst the shipping which came to this country was almost all of it with cargoes. But now it would be found, that, owing to our great exports, the shipping which left this country did so with much less ballast than it used to do; and therefore the entries outward represented the actual trade of the country more than they had ever done before. Without disputing, however, whether the inward or the outward tonnage was the more correct proof of the state of trade, he contended, in accordance with the views of his right hon. Friend the Member for Ripon, that they ought to take both together, in order to arrive at an accurate and a safe result. First of all, he would begin with the total tonnage of the shipping employed, both foreign and English, in the trade of this country; and he thought there would be no disputing that there had been a considerable increase of English and foreign together during the last year. The total tonnage of vessels entering inwards and clearing outwards in cargoes in each of the three last years, was as follows:—

1848	10,630,698 tons.
1849	11,501,177 "
1850	12,020,674 "

He admitted, that if this return were analysed, it would be seen that there was an inconsiderable falling-off in British shipping, and a considerable increase in foreign shipping, employed in the trade of the country. Of course, the latter must be so, when we opened to foreigners branches of trade which they did not before possess; and it could not form matter of surprise to any one who supported the change in the navigation laws, that the foreign shipping had greatly increased. But he thought he could conclusively prove to the satisfaction of every hon. Member in that House, that, so far from the change in the navigation laws having occasioned a diminution of employment of British shipping all over the world, it had greatly conduced to its increase. The trade with this country of those who were considered our most formidable rivals, namely, the United States of America, had increased to a very inconsiderable extent, and, whatever increase of tonnage had taken place, was with respect to other nations. The returns for the last three years of the tonnage of United States' vessels trading with the united kingdom, exclusive of vessels in ballast, showed these results:—

	Vessels inwards.	Tons inwards.	Vessels outwards.	Tons outwards.
In 1848	... 958	... 598,182	... 815	... 551,465
1849	... 896	... 587,986	... 619	... 608,324
1850	... 748	... 595,191	... 776	... 620,037

But had there been no compensation to the trading and the shipping interests of this country from those new channels of trade which were opened to our shipping by the repeal of the navigation laws? He was prepared to say that the result of thus opening the field to British shipping, had been quite commensurate with the most sanguine expectations of those who proposed that measure to the House. He wished he had it in his power, which he had not, to prove to the House, by a complete aggregate statement, what was the number of voyages that had been made by British ships from one foreign port to another foreign port, from which they had before been excluded. But it did so happen that, from one of the most important ports in the world he had received accurate and conclusive evidence, which he was enabled to lay before the House, of the result of the change in the navigation laws. He held in his hand an abstract of a return which had been sent to the Government from the British Consul at New York, informing them of the voyages which had been made by British ships entering that port from different parts of the world; and which voyages those ships would have been prevented from making had we not repealed the navigation laws. In the course of the year 1850, then, the ports of the United States having been opened to British vessels from all parts of the world, there arrived in the single port of New York British vessels with cargoes from Hayti, Cuba, and other foreign West India islands, 56 of 8,286 tons; from various foreign European ports, 60 of 16,800 tons; from Brazil, 9 of 1,600 tons; from other ports of South America, 6 of 1,323 tons; from China, 4 of 1,833 tons; and from other places, 11 of 1,982 tons; making a total of 146 British vessels, with a tonnage of 31,824 tons, which had thus arrived in the port of New York on voyages which they would not, and could not, have taken but for the repeal of the navigation laws. This, he thought, was a striking and satisfactory proof, not only to the advantage of our own shipping, but of the general development of the commerce and trade of the world, which had been produced by the example of this country having been followed by the United States of America, in liberating shipping from restrictions, and facilitating the communication with different parts of the world. He would add, that, to those who felt alarmed at the number of American ships which came to this country, it must be satisfactory also to know that, though the Americans visited us so frequently, we had not failed to return their visits. The total arrivals of British vessels in New York, excluding those he had just referred to, was, in the year 1850, 961, with a tonnage of 252,000. He would not multiply instances illustrative of the wisdom of the policy which had been adopted; but there was one of a most striking description to which he could not avoid calling the attention of the House. He alluded to what had taken place when such an extraordinary impulse to navigation and trade was given by the rapid settlement of California. For a long period the Americans who had settled in California made no attempt to bring the American navigation laws into operation. They accepted goods from all parts of the world, in whatever bottoms they came, and were exceedingly glad to get those goods in any manner. But, after some time, an order was received from Washington enforcing the navigation laws of the Union; and the effect was that any British ship arriving with British goods from any port not being a port of the united kingdom was prevented unloading. The merchants lost their goods, and the ships were seized or sent back, and, in short, all trade was stopped. The order had arrived unexpectedly, and there was great consternation among the English and French ships. Most fortunately, however, a few days after, another order arrived from Washington, announcing that we had changed our navigation laws, and that in consequence they had modified their maritime code; and then, while the French ships continued to be excluded, the English ships were admitted, and the trade, which was a most profitable one, was renewed. Another branch of the subject to which he would call attention was this. It was said that, however else these changes might affect the navigation of the country, there was one branch of industry which would be ruined, and that was the shipbuilding interest. Now, he took upon himself to say, without the smallest fear of contradiction from any one acquainted with the facts of the case, that there never was a time in the history of the country when the principal shipbuilding yards were more fully occupied and employed—when more ships were building; and, above all, when equally good ships were building; that the result of our changes had been not only not to discourage, but absolutely to encourage and urge the shipbuilders to build better ships than they had ever built before; and that the ships which would leave our dockyards this year would, not only in capacity, but in all the qualities of merchant ships, be able to compete with the vessels of any country in the world. This activity in the shipbuilding yards was the most distinct proof that could be given of the opinion of those whose interest it was to watch events and the prospects of our merchant navy; for he did not think these gentlemen would continue to build ships at such a rate if they did not think those ships would be employed. He granted that there were small and inferior ships, which were not employed at this moment; and he believed that the exertions which were now making to improve the qualities of our ships had thrown out of employment that particular description of ship. That was a necessary consequence, perhaps; but, however he might regret, for the sake of individuals, that they suffered loss in this respect, it was utterly impossible for us on that account to stay the progress of a great maritime country in the art of shipbuilding. He held in his hand a return of the number of ships built and registered in the united kingdom in the last few years, exclusive of the Channel Islands and the colonies. The return exhibited these numbers:—

> "In the year 1841 the number of ships was 1,111, and their tonnage 159,578. being an average of 144 tons; 1842, ships 914, tonnage 129,929, average 142; 1843, ships 698, tonnage 83,097, average 119; 1844, ships 689, tonnage 94,995, average 137; 1845, ships 853, tonnage 123,230, average 145; 1846, ships 809, tonnage 125,350, average 155; 1847, ships 933, tonnage 145,834, average 156; 1848, ships 847, tonnage 122,552, average 145; 1849, ships 730, tonnage 117,953, average 161; 1850, ships 689, tonnage 133,695, average 194; the number of foreign-built ships admitted to British registry in 1850 being 57, with 10,499 tonnage."

This showed, that though the number of ships launched from our dockyards had decreased, the amount of tonnage had considerably increased. With regard to the prospects of shipbuilding during the current year, he had received from the Commissioners of Customs information which they had obtained from the shipbuilding yards upon what was now going on there; and he had no hesitation in saying that the present year would exhibit an increase in the number and an improvement in the quality of ships. In the course of his inquiries on this subject, he lighted upon a fact which had given him extreme gratification and pleasure. Hon. Gentlemen who took an interest in the question of the navigation laws would probably recollect the evidence which had been given by a most respectable gentleman before the House of Lords' Committee; he meant Mr. Money Wigram. He remembered that gentleman saying, that if the navigation laws were repealed, he was so completely convinced that it would be impossible to build ships in this country to compete with American ships, that he should establish his son in New York, build all his ships there, and take an English register for them, and employ them in the English service. Now, in the course of prosecuting his inquiries upon the subject, he (Mr. Labouchere) had received a report as to the present state of shipbuilding at Southampton, which contained the following passage:—

> "The number of ships building is more than usual, and the vessels are of unusual tonnage. This is to be attributed in a great measure to the circumstance of Messrs. Wigram & Co. having taken an extensive yard, and who have at present on the stocks one steam-vessel of 2,250 tons, and two sailing vessels, of 500 and 250 tons respectively."

These, then, were the points to which he desired to call the attention of the House. Upon the general question he would not enter further; but leave the decision of the House to rest upon the speech of his right hon. Friend the Chancellor of the Exchequer, and the admirable speech of his right hon. Friend the Member for Ripon.

Mr. CAYLEY said, that he could not imagine what was the meaning of all these statistics, unless it was for the purpose of throwing dust into their eyes; but he could assure the right hon. Gentleman that, whatever they did in this House, they would not deceive the country. The question was not the navigation laws—the question was the burdens upon land—and it seemed to have been a matter of convenience to the Chancellor of the Exchequer, the President of the Board of Trade, and, in some measure, of the right hon. Member for Ripon, to give that question the go-by. The last-mentioned right hon. Gentleman had given them his inferences and his warnings; but he (Mr. Cayley) confessed that he would much rather have the right hon. Gentleman's vote. The inference which the right hon. Gentleman had drawn from the Motion before the House, was, that protection was the thing demanded. But it was not so stated, he believed. What the hon. Member for Buckinghamshire (Mr. Disraeli) did demand, and what he (Mr. Cayley) seconded him in demanding, was, justice. And was it their fault if justice and protection were convertible terms in the mind of the right hon. Gentleman? The right hon. Gentleman had given the House very much what the Chancellor of the Exchequer had given it—namely, a stereotyped edition of his speech of last year; the same advice, the same warnings, and the same compliments. The right hon. Gentleman had complimented the farmers; and in that he (Mr. Cayley) joined him. They were a hardy, industrious, persevering race of men—aye, they had persevered almost against hope. The right hon. Gentleman had also complimented the landowner; and in that, too, he joined him. But one curious compliment which he paid them, was, that they were always victorious when they had the nation at their back. For his part, he (Mr. Cayley) did not know any other class that would not be equally triumphant under the same advantage. The right hon. Gentleman did not say, however, that they stuck to their guns when their leaders had deserted them. In spite of clamour, and in spite of a temporary perverted reason on the part of the public, they still adhered to the principles which they conceived to be right and just. And for that, above all other things, they did deserve the compliments of the right hon. Gentleman. No one could say either that that body had not been desirous to promote the comfort of the poor. The right hon. Gentleman knew that with both sexes of that class there was no more grateful occupation than to look after the condition of the poor, or that more pride or satisfaction was afforded them than when they found the poor well paid, happy, and contented. The hon. Member for Nottingham had truly stated, and he certainly was an impartial judge, if you wanted to see a happy and contented people, you must go upon the estate of some country gentleman, and not into the manufacturing towns. Reference had been made to the low prices prevailing at present in France, and it had been said that the land there would cease to be cultivated, and that the ultimate effect must be to create a rise in prices. But that assertion was merely hypothetical. What was the real fact? Why, that in spite of 1,300,000 quarters received last year from France, prices remained the same as before that importation had begun. But did not France, did not the United States, teach them a lesson something beyond that? The inference from the speeches of the right hon. Gentleman the Chancellor of the Exchequer, and other right hon. Gentlemen, was, that the prosperity of the country, of which they boasted, came from free trade? But dide free trade exist in the United States? did free trade exist in France? and yet in both those countries more rapid progress had of late been made towards prosperity than in this country. And what did they learn besides from France? In spite of the revolutions which had recently distracted that country—in spite of the threatened devastations of Socialism and Communism which had frightened capital from its propriety there, and made it take refuge in this country, and in spite of the consequent increased investment of foreign capital in this country, how stood the case with respect to the amount of bullion in each country? In France it amounted to 20,000,000*l.*; in this country it was 14,500,000*l.*, and it was gradually diminishing. The right hon. Baronet (Sir J. Graham) knew a good deal about corn and currency, and he would know the advantage to our currency under its present regulations, and to our commerce in consequence of foreign bullion having come here the last three years for investment. He shrewdly suspected that the right hon. Gentleman, in his hopes of the future, relied largely on his expectations from California. We boasted of our revenue. Let a comparison with France again form a standard to judge by. France, notwithstanding her revolutionary convulsions, had, within the last three years, increased her revenue by 2,458,000*l.*; whereas the net produce of the ordinary branches of our revenue showed a decline. The net revenue from ordinary sources in this country was, in the year—

1848	£52,422,000
1849	52,307,000
1850	52,177,000

Showing a decrease of 245,000*l.*, which result was but little altered as compared with other periods, even after taking into account the reductions in taxation the last three years. The inference from the arguments of their opponents, was, that free trade had done something more than prevent a decrease of revenue — that it had, in fact, created a large increase. Was that so? The figures he had cited showed the reverse. He would show them what had taken place under protection. According to the right hon. Gentleman the Chancellor of the Exchequer, they had five millions now more of revenue than in the year 1841, notwithstanding a reduction of 10,000,000*l.* in taxation; but more than half this period was one of protection, and eight-tenths of the reduction was during protection, as also was the spring in the revenue. Under protection and free trade, in every recoil from a monetary collapse, the same symptoms were presented. When a man was on the ground he must either lie there or get up. If he got up at all it must be through a process of rising. They had been prostrated in 1847, and they had been rising ever since; but he utterly denied that they had risen quicker in that period of free trade than before. Nay, they had not risen so quickly as upon every other similar occasion previous to the introduction of free trade. Since the year 1820, the recoils they had had occurred in 1824 from the distress in 1822 and 1823; again, in the year 1836, from the distress in 1834 and 1835; and lastly, in 1845 and 1846, from the distress in 1841–2. What was the state of the revenue in these respective periods? In 1822, it was 55,600,000*l.*, the amount of taxes repealed in 1822 was upwards of 2,000,000*l.*, and in 1823, upwards of 4,000,000*l.*, making a total in those two years of 6,600,000*l.* repealed taxes. Yet, in spite of those reductions, the revenue rose in the latter year to 59,302,000*l.*, which, considering the taxation repealed, was equivalent to an increase of 9,688,000*l.* in the taxpaying powers of the people in those three years under the system of protection. In the year 1834, the revenue was 46,425,000*l.*; in 1836 it amounted to 48,352,000*l.*; and as there were 2,000,000*l.* repealed in 1834, and about 130,000*l.* reduced in 1835, the increase of revenue in 1836 as compared with 1834 was equivalent to 4,000,000*l.*, again under the system of protection. Again, in 1845, the revenue was 53,004,000*l.*; in 1846, it was 53,790,000*l.* In the former year the amount of taxation repealed was 4,535,000*l.* Yet, in spite of that reduction, the revenue had so increased between 1845 and 1846 that the augmentation was equivalent to 5,360,000*l.* That, too, was under protection. Such a state of things was not witnessed in these days of an altered policy, notwithstanding the loud boasts in its favour. There was another fact not a little remarkable as contradictory of the specious philosophy of the present day, namely, that coincident with all these instances of renewed prosperity and of an enormous spring in the revenue, there was very considerable increase of and indifference to expenditure, accompanied by a rapid rise in the price of corn. The Chancellor of the Exchequer was very emphatic, also, on the subject of the poor-rate; showing that the expenditure for the poor relief had been reduced within the last two years as compared with a year of collapse. But let them compare the three years preceding the introduction of free trade with the three years succeeding it in this respect, namely, the years 1844, 1845, and 1846, with the years 1848, 1849, and 1850, omitting the intervening year of 1847 as a year of panic. The average poor-law expenditure for the three first years was 4,989,000*l.*; for the three years of the second period, it was 5,750,000*l.*; showing an increase in that item of the national expenditure of near 1,000,000*l.* Now, with regard to exports. In estimating the value of their exports, they must take into consideration the value of the raw material of the manufactured article exported, and keeping that consideration in mind, they would find that their exports in the present year, so far from reaching the highest value, were below those of some past years. Their boast was, that this year the value of their exports was 65,000,000*l.*, which was more than that of any other year. Let them see. He had been informed by an eminent cotton manufacturer that day, that more than three-fourths of their produce were exported, leaving less than one-fourth for home consumption. What then was the state of the case? They had imported 6,000,000 cwt. of cotton last year, the cost of which was 8*d.* per lb.; in 1845, the price was 4*d.* per lb. — a difference which amounted on the value of the quantity manufactured to 11,000,000*l.*; and as they exported more than three-fourths of their produce, the difference on the quantity exported amounted to some 8,000,000*l.* or 9,000,000*l.* sterling. Now, in 1845, their exports were of the value of 60,000,000*l.*; and in the present case, it was 65,000,000*l.*; and if they deducted from the latter sum the 9,000,000*l.* increased cost of the raw produce, they would have as the result 56,000,000*l.* as the true relative value of their exports this year, which was less than it was in 1845 by 4,000,000*l.* With respect to the years of collapse, to which he had referred, he might observe in passing, although attributed generally by Members of this House to a natural law, they were attributable to nothing else than their own bad legislation—to their own judicial blindness as regarded a circulating medium. As respected exports and their increase under protection. In the years 1821–2, there was a period of collapse—in 1824, one of prosperity; the increase of exports in two years was 1,177,000*l.* In 1834, they had depression—in 1836 prosperity. The difference in the value of the exports in two years was 11,000,000*l.* Again, in 1842, the exports were upwards of 47,000,000*l.*; in 1845, they were up to 60,000,000*l.*, showing an increase of 12,000,000*l.* Thus he had shown them that, under free trade, their poor-relief expenditure had increased, their revenue had scarcely, if at all, increased; that while their revenue must always rise somewhat after a period of collapse, the rise was quicker under protection than under free trade, and that as regarded the real value of their exports, there were no grounds for the boasts made of the increase. On the other hand he had shown that the revenue and exports had in unison made a much more rapid spring under protection than under free trade. And the reason was obvious. Under protection their home trade was flourishing, because they had a remunerating price for corn. In 1847–8, when manufacturing and commercial pressure existed, the prosperous state of the home trade was admitted by the President of the Board of Trade (Mr. Labouchere). But could they depend on that source now if there came a monetary pressure; and they might rely on it, unless California came more speedily than he expected to their aid, they would have a monetary pressure. Even now it was looming in the distance; and if it did come they would find ten times more reason to lament the absence of protection than they had ever done to lament its existence. For whose benefit, then, was agriculture robbed? The only parties benefited substantially and permanently by it were the annuitant and foreigner. He did not, indeed, say there was a want of employment amongst the agricultural labourers generally in the country, but there was an insufficient employment for them, and even that employment was supported, not out of the profits, but the capital of the farmer.

Mr. Cayley

His objection to the present system was that it did not allow the landed interest—the farmer, to recover from the public the taxation which he advanced to the Exchequer. This was wholly contrary to the intention both of indirect as well as direct taxation. The last ten or twenty years we had heard nothing but the cuckoo note of "relieve the consumer from taxation!" and during all this while we had been transferring to the producer the taxes heretofore placed on the shoulders of the consumer. But taxing production rather than consumption was against every principle of justice and sound policy—unless it could be made out that the despotism of Turkey and the land tax of India were sound industrial policy. Tax the consumer! Why, who was intended to be taxed? The indirect tax on produce was always intended to be transferred to the consumer of that produce; the workman receiving it back in his wages—his employer in the price. But the unceasing attack of the Legislature upon prices since the war, had had the effect of throwing taxation more and more on the producer instead of the consumer: for under diminishing prices the taxation could not be recovered by the producer, especially of corn under our bastard free trade. Other classes were treated more justly than the farmer. Take the grocer for instance. The grocer advanced to the Government the duty on sugar, and the public repaid him in an increased price; this was the true principle in all cases of indirect taxation—the consumer was intended to pay what the producer advanced to the Exchequer. But what would be thought of the system, if, just after the grocer had advanced the money for the sugar duties, the Government should set up stores in every town, where they would sell sugar duty free. The operation would be similar to the treatment now experienced by the farmer at the hands of the Government. He was invited, in the first instance, to advance 30 to 40 per cent of taxation, local and general, to the Exchequer; and then, before he could repay himself, the Government introduced the produce of the comparatively untaxed foreigner to compete with him in the market, at a price which fell short of the taxation he had advanced. Some philosophers would tell them, and in a great measure he coincided with them, that nothing was of such value as knowledge. But suppose, after taxing the bookseller in his paper and other ways, they should on this ground let in foreign books of a similar description free of duty. It was too barefaced a proposition, taken so nakedly as this, to commit such an injustice on either the bookseller or grocer. He could, indeed, imagine a Government saying, the food of the mind is so important (although as a general principle all interests should be equally taxed—yet) that in the case of an article of first necessity like this, we will exempt it from taxation altogether, and then admit foreign books free of all duty, in order to secure cheap food for the mind. He (Mr. Cayley) could imagine a similar argument with respect to the physical food of the people; and he should not object to such a principle being carried out with fair play to the grower. But to let foreign food in, and to leave at the same time exorbitant taxation on home-grown food, was the height of injustice, and perfectly intolerable. What they shrunk from in the case of the tradesman and bookseller, that injustice they committed upon the farmer. On those grounds, then, he objected to their legislation, because he believed it was fatal to the best interests of the country—that it sapped the foundations of its industry, and was draining the resources of the farmer, who, whatever might be the apparent prosperity of the country, would be unable, under such circumstances, to give permanent employment to the labourer. The agricultural labourers were not, it was true, thrown out of employment in large numbers at once, nor were their wages as yet proportionably reduced, for there was a disinclination on the part of the farmer, knowing the wants of the labourer as he did, to lower his wages. But the system that was coming into operation was the same in effect; the labourer was only employed for a certain number of days in the week; three, four, or five, as the case might be, but not the whole six. The employment given was out of capital, instead of profit. That was certainly the case in the localities he was acquainted with—in the north of Yorkshire, for instance. The flattering picture of prosperity, then, which had been presented by the right hon. Gentleman was not real; it was specious, it was very attractive, but it did not represent the actual state of things at present. If, then, they meant common justice, or justice of any kind, if they meant anything short of barefaced and malignant foul play, they must reduce the burdens upon land to a fair proportion with the burdens borne by other interests. He knew his countrymen well, and they could bear great burdens, no doubt, when placed equally on all shoulders; but nothing created more dissatisfaction and discontent than the feeling that one class was singled out from amongst the rest of the community to bear burdens inordinately larger than those imposed on other classes. The representative of no other interest in this House would vote for that interest being so treated. If that were so—since we affected, at least, to be governed in our legislation by Christian principle—he could not see how any Member, acting on the divine maxim of doing as he would be done by, had any other alternative than to vote for the Motion of the Member for Buckinghamshire.

MR. CARDWELL said, the hon. Gentleman who had just sat down, had come like a skilful general to the rescue of an army which, resting under the impression of his right hon. Friend, was endeavouring to perform that critical operation in the presence of an enemy, a change of front. Before the hon. Gentleman addressed the House, the question of free trade was, in the powerful and workmanlike speech of the hon. Gentleman who introduced the question, consigned to a convenient oblivion. In the able and candid speech which the House had just heard, a new battle-ground was taken. The hon. Member for Yorkshire commenced by saying, that he asked for justice and not for protection; but every sentence and every word of his speech was one continued impeachment of those great measures, by means of which the pressure of a crisis unparalleled had been greatly mitigated, and the peace and loyalty and safety of the country insured in times of more than ordinary difficulty. He did not know whether the hon. Gentleman would allow him to refer to those passages of Adam Smith, which spoke of the simplicity of the country gentlemen, and the astuteness by which they have been overreached by their manufacturing and mercantile fellow-subjects. The hon. Gentleman had repaid the compliment, for he seemed to imagine that the representatives of the mercantile communities were the type and patterns of simplicity, that would be readily misled by the language of a plausible Motion in the guise of a demand for justice, and, closing their ears to all the intelligence which, by any avenue could find its way into their understanding, they would go into the lobby, and voting for the present Motion, commit an act of treachery against the free-trade policy. The hon. Gentleman said, that figures were troops that could be so strangely marshalled, that he began to think no faith should be placed in them; that such a remark should be made was no matter of surprise; and he must confess, that so far at least as the hon. Gentleman's figures went, he agreed with him on the subject: for he (Mr. Cardwell) had sent to the library for all the statistics to which he had understood the hon. Member to refer, and he declared he never before felt himself so much mystified as he was by the use to which they had been put. The hon. Gentleman had ventured to deal with this case so far as the revenue was concerned. He told the House that in 1822 and other years, the revenue and exports had increased, and the advantages of the working classes had been multiplied under the ægis of protection. He (Mr. Cardwell) had those figures before him, and he could find no instance in which such advantageous results had been produced under protection as under the free-trade system. He knew no instance where it happened that 7,500,000*l*. of taxation had been taken off, and the revenue left still larger than before. In 1841 the revenue amounted to 48,000,000*l*., and before the 5th April, 1845, 2,000,000*l*. of taxation having been taken off, and a large deficiency to begin with, there was a balance in the Exchequer larger than the whole amount of the income tax. In 1845, having reduced upwards of 5,000,000*l*. of taxation further, there had been so large an increase in the revenue, that Sir Robert Peel, in addressing his constituents at Tamworth, was able to say that the whole effect of the free-trade measures had been to remove more than 7,500,000*l*. of taxes, while the ordinary revenue of the last financial year for which his Government had to provide, had considerably exceeded the ordinary revenue derived from the same sources in the financial year that immediately preceded his accession to office. The hon. Gentleman was astonished to find that during the last two years there had been a falling-of of 250,000*l*. in the gross revenue. One would think that the hon. Gentleman had spent his time in some Arcadian retirement, where the notion of the duties on stamps, sugar, and bricks, never entered into his mind, or he never would have expected to find the revenue larger this year than the year before. The hon. Gentleman then dealt with the exports. Now, if there was in the compass of political science one phenomenon—one circumstance more than another encouraging to the political philosopher—it was the state of the exports. The hon. Gentleman said, that he had some record of an increase during the days of protection of 11,000,000*l*. in the exports. He (Mr. Cardwell) had before him a table of the exports, and he found there was in that table one case of extraordinary increase: that case he should now proceed to lay before the House. Before free trade the highest amount of exports in any year was 53,250,000*l*. In 1842 they sank as low as 47,000,000*l*. In 1845 they had risen to 60,000,000*l*. In the last year, the year 1850, they had exceeded 70,000.000*l*. The hon. Gentleman had gone into an argument to show that the country had derived no benefit from those exports, and that the profits went into the pockets of the foreigner. But if we manufactured 70,000,000*l*. where before we only manufactured 53,000,000*l*., we must surely have greatly benefited the labouring population. It was preposterous to say there had been no profit, for if there had been no profit, there would have been no increase. How many homes had been gladdened by this diffusion of wages! The hon. Gentleman said, the increased value of the exports was owing to the increased price of the raw material. But what had become of that unprecedented crop of cotton grown in the United States of America in 1849? Every particle of that had been manufactured—we had the lion's share of the profits. Were not the effects of this increasing trade perceptible in the increasing comfort of the working classes? In 1841, the consumption of sugar was 4,000,000 cwts.; last year, it was 6,000,000 cwts. The following figures showed the comparative increase in other articles of general consumption:—

	1841.	1850.
Cocoa	1,930,000 lbs.....	3,103,000 lbs.
Brandy	1,165,000 gals....	1,861,000 lbs.
Tea	36,681,000 lbs....	50,000,000 lbs.
Tobacco	22,308,000 lbs....	27,685,000 lbs.

These two last were articles on which no remission of duty had taken place. If they exported to the extent of 70,000,000*l*., at what price must they sell the goods so exported? Must they not sell at the foreign price? Were they not under a compulsion to sell their commodities at the price of foreign markets? If the nature of the compulsion was that they should sell cheap, he would ask those who were for protection, at what price would they buy? Were they such enthusiasts that, being compelled to sell cheap in foreign markets, they would be generous enough to insist that they should have the privilege of buying dear in the home market? The hon. Gentleman said the home trade had failed, and that in future we must never rely on the home market for help, whenever a monetary revulsion occurred. He (Mr. Cardwell) would suggest to the House, that that crisis through which we had passed—that crisis of reverses in trade—that crisis of railway expenditure and of continental convulsion—never could have been passed through without far greater suffering, if we had not in 1842, and downwards, relaxed those restrictions which fettered our trade, and cramped the energies and industry of the country. When an enormous mass of imports was brought in, of which smaller quantities were introduced before, and when an increased amount of exports was sent out, was not the home trade benefited? When imports came to Liverpool or London, did they not pass to the retail trader; and when they were transmitted from hand to hand, was there no profit realised as they were circulated? It was unnecessary to read details as to what was going on in the north of England. He had in his hand two commercial circulars which he had selected from others, not because they were singular in their character, but because they were full of protectionist sentiments. Any one who wished to read them would find in them ample arguments on the protectionist side of the question. He implored hon. Gentlemen to attend to the extracts which he was about to read, because he contended that the Legislature, by their late free-trade policy, had laid the foundations for an entire revolution and reformation in the social and economical history of this country. He contended that they had strengthened the foundations of the manufactures of this country, and had enabled us to encroach upon the manufactures of foreign countries. The first extract he would read referred to cotton:—

> "The imports into the United States are greater than from the extent of the crop we had any reason to expect, owing to diminished consumption there, and disproportionate shipments to France and the Continent of Europe."

The first part of the remark, as to diminished consumption of cotton in the United States, confirmed what an American gentleman said to him the other day, "You are shutting the mills in Massachusetts." The circular proceeded:—

> "The prospects for business in the ensuing year are of a highly satisfactory character, there being nothing apparently likely to check the cotton trade, unless it be an insufficient supply of the raw material. The means of subsistence are within the reach of all having even moderate employment, and in the manufacturing districts the masses have rarely been more comfortably circumstanced. We may look, therefore, to a steady and perhaps improving home trade (it having been so long depressed), and the foreign trade is evidently in a healthy state."

The other circular was that of Mr. Littledale, of Liverpool, whose name was well known. It stated that—

> "There has lately been a remarkable revival in the inquiry for heavy goods and low yarns, both for home use and export, present stocks of which are inadequate to supply the growing demand. On the whole, perhaps at no former period was there a greater feeling of security in the future. Another year of commercial prosperity has closed, and the frightful losses of 1847 and 1848 may be fairly considered to be cancelled by the gains of 1846 and 1850."

And might not the commercial part of the community say to their agricultural friends, "We went through a severer trial than any that has yet befallen you." He (Mr. Cardwell) remembered very well the commercial crisis of 1847; and although he had the honour of representing a commercial community, he could sympathise with agricultural distress, and hoped that they would never have to undergo a crisis like that of 1847. If the manufacturing and commercial classes, by their own energies, by the untiring strength of British power, and not by the aid of Parliament, had triumphed over their difficulties, might they not hope that a similar result was in store for the gentlemen of the agricultural interest? He had no right to speak upon agricultural subjects; but he would appeal to hon. Gentlemen sitting near him, whether agriculture had displayed no portion of British energy and enterprise? Had agriculture, since the repeal of the corn laws, been nothing but a desponding and despairing interest? Three years ago the Excise was prosperous, and when the supporters of free-trade principles referred to the prosperity of the Excise, hon. Gentlemen replied that that was owing to an extraordinary and abnormal state of things; that the extraordinary expenditure in the making of railroads was the cause; that was alleged to be the artificial means which supported the Excise. There was no doubt a great deal of force in that reply. Now, let him ask them this question. How was it that the Excise was prospering now, notwithstanding the remission of the duty on bricks? Where were those thousands of labourers now employed who at that time were employed in the construction of railways? His right hon. Friend the President of the Poor Law Board, had no cognisance of them, nor had Sir John Macneil, nor the poor-law authorities in Ireland. Why, the truth was, as they had been told that evening, those labourers were now employed by the agricultural gentlemen, who had nobly come to a determination to improve the cultivation of their land. Were there ever so many drain-tiles, so many heaps of lime on the land, so many moorland fields converting into productive land? Parliament laid aside some money, to be lent on interest, for the improvement of the land. Had there been any remissness in taking up that loan? Had it not been greedily sought for at a high rate of interest—6*l.* 10*s.* per cent—if it was merely to be considered as interest? and he should like to know in how many instances in England and Scotland the occupying tenant had engaged to pay the whole, or the greater part, of that account payment? Would the occupying tenants and the landed gentlemen be so anxious to borrow that money, in improving the cultivation of their land, if they were so convinced that agriculture was an overwhelmed and ruined interest, that they had no prospect of future prosperity? Had they not rather determined to endeavour to survive the shock by a manly and vigorous independence? Were not the manufacturers of farming implements fully employed? Now let him ask the agricultural interest another question. Did they not feel that they held their land by a safer tenure? On the 10th April, 1848, did none of them thank God that a great cause of disaffection had been removed in time? Did they believe they could re-enact a corn law without incurring dangers yet more serious than the dangers of the 10th April? Did they suppose that, if they succeeded in carrying it, the danger would then cease? Did not they know, that resting on a corn law, there would be a volcano ready to burst beneath them? Would they then feel the security necessary for these great investments? The hon. Gentleman the Member for Yorkshire had candidly told them that he had no remedy to propose for the present agricultural distress, which was likely to receive the support of the House; but he intimated his own opinion that protection was the only remedy. [Mr. CAYLEY was understood to intimate dissent.] He should be sorry to misrepresent the hon. Gentleman. If the hon. Gentleman abandoned protection when he had made one of the ablest speeches in the course of the debate on the side of those who supported the Motion, then it must be said the prospect of restoring protection was remote. But there were other advocates of the agricultural interest who were more sanguine, and who looked to a restoration of protection. The hon. Member for Buckinghamshire, who introduced the present Motion, said, that when the tobacco question had been settled, the duties on malt and spirits properly adjusted, and local burdens transferred, perhaps in another Session some moderate protection might be introduced. [Mr. DISRAELI: I never said any such thing.] He (Mr. Cardwell) was very unfortunate, and if others were as little successful as himself in rightly comprehending the hon. Gentleman's Motion, he should recommend them to be very careful how they followed him into the lobby. But what would be the effect of a 10*s.* duty upon corn? A great authority, Mr. Young, had sent him a copy of his speech. Mr. Young said—

> "I call upon you to consider this, however, which lies on the surface:—The annual value of the agricultural produce of this country is certainly not less than 220,000,000*l.* sterling, even at the present reduced prices. Now, taking wheat as the standard, and supposing—and I believe it is sufficiently near for a general calculation—that the price of wheat is a fair exponent of the general prices of agricultural produce, and that you could get prices raised 10*s.* per quarter, that would give one-fourth part of the 220,000,000*l.*, or 55,000,000*l.* put into the pokets of the agricultural producers."

Mr. Young truly said, "That looks something like relief." Well, now considering that it also looked something like the whole of the revenue of the country, and considering that virtually the hon. Gentleman called upon them to impose upon their constituents another tax equal to the whole of what was already levied upon the country; considering, too, that not a shilling of that second tax was to go into the Exchequer, he (Mr. Cardwell) thought it became those who represented commercial communities to be very careful of the steps they took, and to consider how much the hon. Gentleman's proposition would add to the burthens of the poorer classes. He had looked to the report of the Commissioners, appointed some years since, to inquire into the condition of the handloom weavers, and they said—

> "If we estimate the average income of each family of the poorer class of weavers to be 10*s.*, the average number of the family at 4, and corn to be upon the average 60*s.* per quarter, we could not estimate the average expenditure of each family for bread, at less than 5*s.*, or one-half their whole income."

They said that the effect of such an impost as would raise the price 20 per cent, would be an income tax of 10*l.* per cent upon each poor family. Now, this burden would fall upon the Dorsetshire labourer, as heavily as the handloom weaver; and the question was, whether the Legislature was prepared to levy an income tax of 10*l.* per cent upon the poorest classes of the community? With regard to the question of the burthens upon land, the hon. Gentleman who had preceded him had cut short that part of his speech, and therefore had relieved him (Mr. Cardwell) from following him into the details of that question. But he could not help reminding the hon. Gentleman of this, that in the last five years, two Committees of the House of Lords had sat upon this subject. They had gone into all the details relating to all the burdens on land, and all the remedies; and neither in the report of 1846 nor in that of 1850 was there a suggestion that Parliament should enter on the course which was now proposed. Having endeavoured to lay down as succinctly as he could what he (Mr. Cardwell) believed to be the real state of the facts as to the commercial and financial measures introduced of late years, he knew not whether in the warmth of the moment he had said anything to offend, but he could only say the views he had expressed were the sincere, the earnest, and, he thought he might add, the unalterable convictions of his mind. He was not prepared in any circumstances to be a traitor to those principles the operation of which he believed had enabled the country to pass, not without suffering, but with mitigated suffering, through a great crisis. He believed that they had confirmed the security of all kinds of property, and, not the least, of landed property, and that by their healing operations they had strengthened the foundations of the Crown and Government.

COLONEL DUNNE had entertained some hope that the Government would have proposed a remedy for the distress which was recognised in the Speech from the Throne; but every Member who had risen in opposition to the Motion before the House had endeavoured to disprove the assertion in the Speech, as indeed the Seconder of the Address did on the very day that Speech was delivered. Leaving the Ministry and its supporters to settle as they could such a discrepancy with respect to England, and to those Members connected with that country who might follow him in the debate, to decide the actual state of the agricultural classes in their own, he would apply himself to the state of Ireland. Reference had been made to that country as in a condition of commercial prosperity. What was the truth? There was a diminution in the customs of Dublin, of Cork, of Limerick—in every port except Belfast. The number of persons employed in manufactures in Ireland was not sufficient to compensate for agricultural depression, even if they were well employed. But he must deny that any class whatever was getting better food, better wages, or better employment. The entire numbers hitherto employed in manufactures in Ireland, scarcely exceeded in factories 24,000; and when it was asserted that employment in sewing machines had been given to some thousands of young women in the north of Ireland, in certain districts, it might be literally asserted with truth that 67 per cent, or even 100 per cent, more than last year were now employed, where none were employed last year; but this employment was confined to certain districts, and the numbers employed; and, still more, the continuance of such employment was problematical, and certainly did not by any means warrant the conclusion that the condition of the manufacturing classes in Ireland were improved. The deposits in savings banks had very largely decreased. The ordinary circulation had diminished. He had a return of prices of agricultural stock at Ballinasloe fair, and from 1845 to the present time, there had been a diminution on the average of all classes of cattle of 5*l.* a head. Then the Incumbered Estates Act was working prejudicially to the owners as well as occupiers of land in Ireland. By throwing so much on the market at once the value was depreciated, and land sold at from 6 to 12 years' purchase, and frequently the price did not amount to the sum the estate was mortgaged for. He knew an estate for which an offer was made some time previously to buy it at 25 years' purchase. The offer was refused, and it was sold under the Act for 18 years' purchase on the net rent. Had it been sold under the former offer there would have been left to the owner 63,000*l.*; whereas at present there was a deficiency of 60,000*l.* to liquidate the debt. The hon. Member for Liverpool asked where the labourers were who had made the railroads, and said the Poor Law Board in Ireland had no cognisance of them. Let him go to the churchyards, let him go to America, and there he would find them. There was a less number receiving relief, because they had desolated the country. There was an increase in workhouses in districts formerly flourishing. In one district in one of the west parts of Ireland there was an increase from 2,610 to 3,170. Ireland was going down in the scale, and was becoming more exhausted every moment. The poverty was now felt by the middling classes, whose property was diminishing. That was the opinion of the land agents in Ireland. In Roscommon they said, that instead of improving they were sinking, and that the capital had left the country. It was said that indoor relief had diminished, but that was owing to death and emigration. Wages had diminished in every part of Ireland, but an Irish labourer would not go into the workhouses so long as he could gain a bare subsistence out, nor would the guardians admit him. They called this a united kingdom, but they ignored nine millions of the inhabitants of the country who were left entirely out of consideration. The special ground on which the hon. Member for Buckinghamshire made this Motion was that taxation pressed unequally on the owner and occupiers of land. That was so especially in Ireland where the taxes were raised entirely from land. With reference to the case of tobacco, the hon. Baronet the Member for Ripon seemed to assert that they could not grow tobacco in Ireland; but his (Col. Dunne's) answer was, that they had grown it there, and the culture of it had only been considered too rapid and successful; and the hon. Baronet would scarcely forget that the Ministry, when the law for the prohibition was introduced, actually purchased the tobacco then in the hands of the producers for a large sum. He was quite prepared to show that it could be not only grown with profit to the farmer, but could even bear a certain tax. With regard to the observations of the right hon. Baronet the Member for Ripon respecting flax, he (Colonel Dunne) only hoped that Irishmen would not be too lightly induced to rely on the flattering expectations held out as to the wealth they were to realise by its cultivation: true, they might considerably extend that cultivation with advantage, but they must recollect that within a few years it had diminished, not increased. The hon. Baronet said, it would be substituted in Manchester for cotton; but as yet the experiments that had been made were by no means so conclusive as to ensure success; but assuming this success, the hon. Baronet had stated we might look for relief where we least expected it. His (Colonel Dunne's) reply was—

"Timeo Danaos et dona ferentes."

It was asked how relief could be afforded them. If this Motion were passed, the Irish Members would point out the means. Ireland was taxed to the amount of two millions for poor-rates, one million and one quarter for county cess; then they had the tithes and the repayment of advances, many of which had been forced on the Irish nation. It had been calculated that while the local burdens in England amounted to 2*s.* 3½*d.* in the pound, they were 8*s.* 4*d.* in Ireland. And this all fell on the owners and occupiers; the incumbrancers and mortgagees paid nothing. Now the question was, how were they to give compensation for these burdens? There were a great many things in this country which were paid out of the Consolidated Fund, which in Ireland were laid on the land. In England, at that moment, they were paying for each convict about 22*l.*, while in Ireland no more than about 5*l.* was paid by the Government. The medical officers employed under the poor-law, were paid out of the Consolidated Fund in England; out of the local rate, in Ireland, so were the poor-law schoolmasters. Large sums were given to prosecutors in England, but in Ireland the greater number of prosecutions were left to be carried on at the expense of the persons who suffered wrongs; in fact, while in England the charges on local taxation had been diminished within a very few years, by about a million; in Ireland the local taxation had been increased by at least 2,000,000*l.* If a specific measure for the restoration of protection were brought in, he was quite prepared to vote for it, although it had been said, they might have another 10th of April. But that was not the question. The question was simply this—Her Majesty's Ministers admitted that the agriculturists were suffering. In Ireland they were suffering most, and it followed that Ministers were bound to give them some relief. He thought every Irish Member ought to claim protection for that class which was so deeply suffering. The Government had disclaimed the idea of removing the courts of law from Dublin; but, notwithstanding all they had said, he was convinced that their intention was to centralise those courts. They might not do it this Session, but the measure was impending. It was in vain for Irish Members to ask for relief; all that they ever got was an adverse division. His noble Friend (Lord Naas) had asked the Chancellor of the Exchequer to remove the injustice of the present excise laws with regard to Irish spirits. The House of Commons had last Session approved the justice of that demand; yet the Chancellor of the Exchequer refused to accede to it. The hon. Gentleman the Member for the city of Dublin had asked the noble Lord at the head of the Government if he meant to persist in abolishing the office of Lord Lieutenant in Ireland. The noble Lord replied that he did; and yet the noble Lord must be well aware that the people of that country were almost unanimously opposed to the measure: he had himself called on Ministers to amend that poor-law which, it was universally admitted, was desolating the country, and reproducing the poverty it pretended to relieve. Ministers refused, and all he obtained was a Committee so composed that it made that poor-law more oppressive than before. A pliant majority recommended the rate in aid, which was unnecessarily levied on the most exhausted districts. Irishmen complained of the confiscation of their estates by the iniquitous Encumbered Estates Court; and the Attorney General only promised them an Act that would render its action more ruinous than before. Ministers had made the Queen admit the suffering of the agricultural classes. The hon. Member for Buckinghamshire asked them to relieve the distress they thus admitted, and Ministers refused. Can Ministers for a moment call on Irish Members, the representatives of that country their legislation has so deeply injured, to aid them in sustaining that refusal? Let them do so. Nevertheless he appealed to all those hon. Gentlemen who, with him, represented that country, on both sides of the House, whether they had not a right to some alleviation of their sufferings? For himself, he should support the Motion of the hon. Member for Buckinghamshire, being convinced that in doing so, he did his duty to Ireland.

Viscount JOCELYN hoped the House would allow him to occupy its time while he stated the grounds on which he intended to give his vote. He could not assent to some of the observations of his hon. Friend the Member for Liverpool, and he denied that in voting for the Motion now before them he would be a traitor to the policy of 1845. On the contrary, it was to place the seal upon the question of protection, which he believed to be closed for ever, that he should support the claim for justice now put forward on behalf of the agricultural body. He had listened to the speech of his hon. Friend with great attention; and ingenious as that speech was, it struck him to be deficient in one point, namely, that it did not touch the question before the House. It was a speech which was directed to prove the general prosperity of the country, in which he cordially concurred. It was with diffidence that he (Viscount Jocelyn) came to the consideration of that question, because he regretted to differ from one with whom he had generally acted, for whom he had the highest regard, and whose ability and sagacity he believed to be unrivalled in that House. But he would remark that the speech of his right hon. Friend the Member for Ripon supplied him with the ground of the course he should take that evening. It went to prove most clearly the general state of this country, and the prosperity of all interests excepting one; and his right hon. Friend distinctly admitted the depression of that one class of the community. He (Viscount Jocelyn) found in Her Majesty's Speech, a declaration of the general prosperity of the country, while it also admitted the depression of the agricultural body. The right hon. Gentleman the Chancellor of the Exchequer, in his speech, did not deny the depression of that interest, nor did his hon. Friend the Member for Liverpool. He (Viscount Jocelyn) could testify from his own knowledge that the assertions which had been made on that subject were not overstated. And when he looked at the Motion before the House, was he to refuse to act fairly to that suffering interest, by calling upon the

Government, who had admitted the depression, to enter upon a consideration of the fair claims they might be able to put forward. He had been an humble member of the party which up to the year 1846 had supported the great policy of protection, and he could not forget how, in 1846, owing to peculiar circumstances, over which the Government had no control, a change came over their views regarding that policy. The principles of protection were then forsaken, and it was for the House afterwards to consider whether by a return to them it would raise warfare in the country, and whether by such return the particular protected interest would not be more severely injured than any other. He believed it would have been fatal, and the measures he then supported from expediency he was now ready to maintain as just and sound in policy. That was the view which he had taken, and which he now took, but he was not blind to the fact that the change which was then adopted in our commercial policy must necessarily affect the agricultural interest. The hon. Member for the West Riding of Yorkshire knew that it would affect the price of grain, otherwise what object had he and the manufacturing interest in engaging in such a struggle ; but while he (Viscount Jocelyn) was quite prepared for a great change, he was also prepared to do justice to the claims of the landed interest. He believed that the course he was about to take was not an inconsistent one. He believed that the Member for Buckinghamshire had brought forward his Motion fairly and honourably, and he (Viscount Jocelyn) would take it as it stood on the paper, and would vote for it as he read it. He had the simple fact before him that a great interest was in severe distress; there were great burdens upon that interest, and he knew that there was a pressure upon the agricultural which would not be borne by the manufacturing interest. He therefore concluded that the Government, who admitted their distress, ought not to deny to them a fair hearing of their claims. He would take the language of the hon. Member for Buckinghamshire. That hon. Member admitted freely the general prosperity of the country; he even went further, and most judiciously acknowledged that if there was a bare majority in that House, he would not be the man to ask for a return to protection. He said, "if we are to go back to protection, it would not be by a mere majority of the House of Commons, but by the general wish of the people." Considering the prosperity of the country, he (Viscount Jocelyn) did not anticipate that if there was a general election it would have the effect of reversing the free-trade policy. He believed the policy to be unreasonable, and therefore he was the more ready to listen to the claims the agricultural interest might put forward. The right hon. Baronet the Member for Ripon had spoken of the great works that were going on in his (Viscount Jocelyn's) county, and he would ask if any man who had travelled from north to south of England could deny that the agricultural interest was displaying an energy worthy of that great class? He considered that those works proved an amount of energy, on the part of the agriculturists, which did them honour, and which was an additional reason why their case should meet with due consideration. The British agriculturist was still willing to spend his money in the improvement of the soil, and not to be backward in the struggle; but was he (Viscount Jocelyn) therefore to deny the claim which they put forward for consideration to an equalisation of the public burdens? In listening to their case, and remedying injustice where it might exist, he considered he did great service to the cause and to the policy which he had previously supported. He wished to explain the grounds on which he had come to a different conclusion from those with whom he generally acted. His vote was not influenced by any wish to withdraw from the policy which he believed had been productive of benefit to the masses of the people; but while they consulted the prosperity of the people, they ought not to sacrifice the interests of any particular class.

Mr. BAILLIE COCHRANE said, it was not his intention to trespass upon the House, except to explain the reasons for his vote, and that explanation was the more essential, because there had been great discrepancies between the speeches which had been delivered, and the terms of the original Motion. The noble Lord who had just sat down, had aptly and fully represented his (Mr. Cochrane's) views. He should vote for the Motion of the hon. Member for Buckinghamshire, because in Her Majesty's Speech there were these facts contained, namely, that there was great prosperity in the country, concurrent, and he might say consequent, upon the free-trade measure; but, also, consequent upon that measure, there was distress in the agricultural interest. He therefore said that they were more bound by the very sequence of the terms of Her Majesty's Speech, to listen to what the agricultural interest had to say, and give them whatever remedies were rendered necessary by that policy which he had supported for the last few years.

MR. COBDEN: Sir, there have been a great many attempts to explain what is the nature of the Motion before the House. Some Gentlemen say that it is favourable to protection; others, on the contrary, say that it is not; but if we look at it with the eye of common sense we shall see that it involves one of two things. What is really the object of it? It is either a Motion to return to a duty on corn, or it is a Motion for compensation for the loss of that law. I apprehend that the object in either case will be protection. Now, I do not know that I should have troubled the House after the able, comprehensive, and exhaustive speech of the right hon. Baronet the Member for Ripon, if it had not been that the hon. Gentleman the Member for Buckinghamshire, in introducing his proposition, seemed to ground his claims on the assumption that in passing the Act of repeal we had agreed that certain prices should thereafter be obtained for corn. The hon. Gentleman then quoted the speeches of right hon. Gentlemen on the Treasury bench, and of other hon. Gentlemen who had expressed their opinion that prices would range at a certain level. Having shown that those prices had not been realised, the hon. Gentleman then comes before the House, and before the country, and thinks that he has got a fair claim for compensation. Now, as I had some share in the long and wearisome discussion previous to the passing of the measure, and subsequent to it, I must be allowed to state my own principles and my own views upon the matter. I have never, then, given the slightest encouragement to such a doctrine; and I cannot proceed to grant compensation on any such assumption, because I am prepared to show that in the whole course of my arguments upon this question, I never so much as offered an opinion what the price of corn would be. [*Cries of* "Oh, oh!"] Let hon. Gentlemen who cry "Oh, oh!" only have the industry to look through the records of my opinions in *Hansard*, and then I challenge them to bring a single instance where I said anything about price. I always argued the question on totally different principles. I said again and again, I don't care what the price of corn may be so, that we have corn at the price of the world's market. That was the argument I always took. We have it now at the natural price of the world's market, and I am content, and the country is content—and the country would be content if the universal price were 50*s.* instead of 40*s.* It is quite possible that the price may be 50*s.* or 45*s.*; for it has been 80*s.* since the corn laws were repealed. I offered no opinion, and I protest against any compensation on such ground as that; for there was nothing that can afford any reason for the assumption of the hon. Gentleman. I now ask if these two classes that you have singled out (the landowners and farmers) have suffered so much in consequence of the repeal? We have one large landed proprietor in the House, who in his own case prefers no claim; and will the hon. Gentleman tell me that the landowners as a class have suffered in consequence of repeal? Will the hon. Gentleman tell me that the landed proprietors have, one with another, made a reduction of 10 per cent on their rents? Well, but I have information which I will not make use of at present, of many distinguished personages who have made no reduction of rent at all. But let me ask you farther, if you have suffered a reduction of 10 per cent, do you think that you are the only class in the community, during the last four or five years, that have had losses? Take those, for instance, who have capital in mines. Don't you think that coal mining has also been subject to these losses during the last four years? Take again those who have invested their property in railways during the last three or four years. Have they suffered no losses? With respect to the iron trade also, there are hon. Gentlemen who will tell you that it has not been all profit during the last three or four years; and even some branches of the cotton trade have not been so very prosperous. If that be so, will any hon. Gentleman come to this House and presume to say that the owners of land and farmers alone have any right to be compensated for their losses? The effects of free trade on farmers have been very various. In some very heavy clay lands the farmer will have great difficulties to encounter; but near large towns which they have to supply with potatoes and other produce, the farmers have not been doing a bad or unprofitable business. But you come to the House and ask to give a general compensation to all landowners and farmers. What you ask us to do is, that we who represent shopkeepers, merchants, manufacturers, and others, should come here and legislate for the interests only of the owners and occupiers of farms. Now, I object to this attempt of the hon. Gentleman, and to the proposition of a right hon. Lord, who, in another place, has told us that we must make a transfer of taxation, and that we must shift it from the shoulders of the farmers to those of other classes. But the other classes won't endure it. Besides, the hon. Gentleman does not tell us exactly what he wishes to do. He says he does not intend to increase the property tax, and he does not intend to increase the taxes on articles of consumption. Then what is he going to do? You are all mute. I ask you, do you propose to increase the income tax, or the duties on the customs? You are all mute—you don't venture to reply. But how are you going to take off five or six millions from the agriculturists if you are not prepared to point out a substitute? There is nobody that wants to pay more than he does, and nobody that will bear increased taxation. When the Chancellor of the Exchequer proposed to modify the Stamp Acts, by proposing a fair *ad valorem* duty, the rich and the higher sort of the middle classes resisted the increase. They said that if we are to have a modification you must begin very low, so that we may not have any additional burdens. You cannot shift the burden of taxation; for those on whom you lay a feather's weight additional taxation will resist more than those from whom you remove a hundred weight will help you. Therefore, if you pass the Motion, it will be only a chimera. The only way in which you can mitigate the taxation of the farmer is by reducing the whole amount of your expenditure. I am ready to relieve the landowner and the farmer, but it must be by a general reduction, and that will be the most substantial kind of relief. The relief that you would administer to one class you must administer to every class; but in trying to make a transfer of taxation you are only losing. The hon. Gentleman has gone into a great number of cases with which he proposed to deal, but I will not refer to them because the right hon. Baronet the Member for Ripon has disposed of them all. But there are a great many things by which the agriculturists might be benefited; but I think Motions like these do them harm by retarding the adjustment between the landowner and the farmer, which might lead to some beneficial consequences. The last messenger of protection from the agricultural mind of Herefordshire who has addressed you, talked about navigation and trade, and the like, and plunged into a boundless sea of statistics without rudder or compass, but not a word did he say about a return to the taxation of food. He talked of justice, and I talk of justice. He said justice was protection. I say it is free trade. I say free trade is justice; you say protection is. But do you think to win your cause by talking such childish nonsense as that? Everybody has justice in view. Do you suppose that anybody would advocate an injustice? But now you propose, after three years' mystification of the farmer on the subject of protection, to lead him through other three years, or till the dissolution of the present Parliament, by the cry of an adjustment of taxation. I complain of that; because you thereby prevent the farmer from entering into other arrangements with his landlord which really would be for his benefit. There are many things which the farmers and landlords can do for themselves far more than we can do in this House to help them. In fact, nine-tenths of their difficulties must be got over by the landowners and tenants themselves; there is not more than one-tenth in which this House can at all assist in the removal. In the first place, they never come together for the sake of honestly consulting on their affairs; they keep at a most respectful distance from each other. The landlords assured the farmers that they should have protection; and, so long as they chose to do so, the farmers believed and followed them, thinking that when protection failed, that would give them a better plea for compensation in another shape. This is now worn out. Now we have a fresh device, which will last two or three years longer—a proposal to modify taxation. I defy the farmers—if they did not go to sleep over the first column of the hon. Gentleman's speech, but waded through the whole of it—to make out what it is that he asks for. Let us leave the landowners and farmers, in the first place, to adjust their difficulties amongst themselves. I will point out something that will help them. Don't you think, if you were to alter your tenure, that it might do good? Don't you think leases might be adopted with advantage? [*Laughter.*] Now, what will Scotchmen say to this? I mention leases as one of the necessary conditions of good farming, and there is a roar of laughter from the protectionist side of the House. Now, could anything more completely justify what I have been saying—that you have not looked at the real means of remedying your difficulties? Don't you think there are conditions of holding, by an alteration in which you might improve the chances of your tenants? Don't you think you might diminish the game a little? [*Laughter.*] I don't think you understand much of the farmers' mind after all; because farmers never laugh when you talk of game. It was stated and proved in evidence, before the Committee obtained by my hon. Friend the Member for Manchester, that the game on a farm where it was preserved in the ordinary way—not in an extravagant way—cost the tenants as much as all the local rates and general rates. There is another law which I think very injurious to the farmer; and that is the law of distraint. I think they are very much opposed to that law, which gives a preferable claim to landlords over the goods of their tenants for rent; and I believe if you altered that law, you would very much increase the amount of capital which tenants are disposed to lay out upon the land. Are there not things that might be done by the landowners themselves to improve the value of the land? Don't you think that a change in the mode of transfer of land would be beneficial to the landlords? Don't you think that anything which facilitated the transfer of land would not only have the effect of raising its value, but would also increase the number of landowners, and thereby call into requisition a greater amount of labour, and diminish the amount of poor-rates? These are all things necessary to be done, and which can only be done by yourselves. But you do not do these things, so long as you keep the attention of farmers directed to Motions like those of the hon. Member for Buckinghamshire, so long as they are diverted by looking to this House for remedies, instead of seeking them by an adjustment with their landlords. Can it be believed that the things which the hon. Gentleman has mentioned would be really a benefit to the farmers? He says that 12 or 15 millions of taxation are paid out of agricultural produce. Do you suppose the farmers will credit what you say when you tell them that they pay the tobacco tax, or the beer tax, or the taxes upon gin and whisky? I venture to say, that many a coalheaver on the Thames pays more of the malt tax than any farmer that lives. Yes, and he pays more than the farmer in respect of his own consumption; for it is the man who consumes the beer or gin, and not the man who raises the barley out of which they are made, upon whom the tax really falls. I am surprised, at this advanced period of the discussion, that any body should so far count upon the credulity of the farmers as to put forward such a proposal as has emanated from that side of the House. Well, the landowners are very strong in this House—they represent a considerable number of farmers—but they are bound, in justice, to remember that a very large portion of the community are not so powerfully represented in this House. You may, by your resolution to-night, reverse the policy which has been adopted before, or attempt to compensate yourselves for the recall of the corn laws; but depend upon it, by so doing, you will only enter upon another difficulty—you will but begin a fresh struggle with every other profession and class in the country, with the exception of the landowners and the farmers, and you will be beaten again, as you were beaten before. You have now avowed that all you have been telling us for the last ten years with respect to the interest which the labouring classes have in this question, has been altogether unfounded. ["No, no!"] Yes; because your leader has admitted that the great mass of the people are in a state of comparative prosperity. He says that the case of the farmers and the landowners is an exceptional case; and he says that the prosperity of all other classes is his strong point. Then, I say that what you have been saying for the last ten years with regard to the interest which the labourers have in these questions has been completely falsified by the facts. Have you considered what this involves? It involves this consequence, that, for the thirty years in which the corn law was maintained by the landowners of this House, you were doing a great injustice to the people of this country, who were, during that time, suffering privation and misery, inflicted on them by the legislation of this House. If you admit that they are now benefited by the change, you cannot deny the argument, that they were injured by the infliction. Then, I would advise you not to say one word about compensation, and not in any way to stir this question again. I hear complaints of vast importations of corn and grain. As the right hon. Baronet the Member for Ripon has well said, that proves the advantage of repealing the corn law; and no other argument need be used, because that shows that the measure has brought comfort, plenty, and happiness to the homes of the great mass of the people. Have you ever carried it a little further, and asked, what would have been the condition of the people if these 10,000,000 of corn and flour that came last year into the country had never been brought here? and, if I may judge by what I see now, with your good will you would have kept it out. I warn you against entering into another career of opposition to the interest of the great mass of the people. I hope that the hon. Gentlemen on this side the House who represent Ireland will not follow the example of the hon. and gallant Colonel the Member for Portarlington, who talked of the sufferings of Ireland, and would attempt to meet them by the exclusion of foreign corn. Let him read the last annual circular of Messrs. Sturge Brothers, of Birmingham, and notice the amount of Black Sea wheat carried into Ireland for consumption there. Does he look upon that as a calamity, that the grain brought by our merchants from Odessa should be allowed to go and feed his starving countrymen? Oh, shame upon such an argument! Here are poor creatures that have been fed upon lumper potatoes; they have now a chance of getting a loaf of wheaten bread; and the hon. and gallant Gentleman raises a loud cry of despair, and falls into a paroxysm of anger because these poor people are allowed to have a loaf of bread like himself. I hope that my hon. Friends who sit beside him will not follow the example of the hon. and gallant Colonel. He is following the course which he has always pursued; and, had it depended upon his good pleasure, not one grain of this corn would have gone into Ireland at all. I hope the hon. Gentlemen who sit beside him will not take a course adverse to thsir own convictions. I hope that no temporary excitement against the Government will induce them to vote against the interest of their own country and the great mass of their countrymen. When I have the opportunity of addressing the House on that other question, I shall endeavour to satisfy them that the mass of the people do not sympathise with the course they are pursuing on that question. I beg, in conclusion, to state this to hon. Gentlemen opposite. We have heard a great deal said about justice. Now, I ask you to remember that last evening, or the evening before, my hon. Friend the Member for Bolton put a question to the noble Lord at the head of the Government, as to whether it was his intention to extend the suffrage? and the noble Lord said, that he had no such intention. Bear in mind, that at present the working classes have no representation in this House. Now, what is proposed to be done? That you should remove burdens from the shoulders of the landowners and farmers, in order to transfer them, in some shape or other, to the Consolidated Fund. We know that the great bulk of the taxation of this country is raised from the consumers—the unrepresented masses of this country. And if there were no other reason for warning you to pause in the course it is now proposed to take, it is lest you should be charged with great injustice to those who have no representation in this House.

Mr. MOORE said, he would support the Motion before the House for two reasons, both arising out of a strictly Irish view of the question; a view which, whether from utter indifference, or whether from tact and prudence—it could not have been from ignorance—had been entirely excluded from the range of consideration of the right hon. Baronet the Member for Ripon, He would support the Motion, first, because he approved of the express terms of the resolution itself, the truth of which, as regarded that part of the united empire called Ireland, he defied any man to gainsay. They had heard the statements with regard to the condition of Ireland made by his hon. and gallant Friend the Member for Portarlington. And what was the result of those statements? Why, that the land of Ireland was in the market, and that there was no one to purchase it; the tiller of the soil was in the workhouse, or was gradually drafted off to foreign shores; a nominal proprietary and a nominal tenantry were waging a war for existence against each other—extermination on the one side, hostility, and obstruction on the other; both grasping at everything, neither realising anything—the desolation of a waste, and the clamour of a crowd; the lethargy of neglect, and the rage of competition, staring each other in the face, and presenting a dismal antithesis of misery unparalleled in the history of any other agricultural community. But not only did they all admit the disease, but they all imagined that they knew the remedy; and although the remedy of one man might not be the remedy of another, how could any one, believing in the possibility of remedial measures, refuse to declare by his vote, upon that occasion, that those remedial measures should be applied? Remedial measures had been the cuckoo cry for Ireland during successive Sessions. Introduce a Bill to prevent agrarian outrage—where are your remedial measures for agrarian evils? was the prompt reply. Introduce a Bill to prevent the carrying away of crops on Sundays—remedial and not coercive measures had been their answer to that strange solution of agrarian difficulty. But if they were at present to carry a resolution declaring the necessity of remedial measures, the Irish Members, it was said, might embarrass their friends on the Ministerial benches. Now, for his part, he thought that that circumstance, so far from being a difficulty, ought to act as an incentive to those Members to act upon an Irish view of that question. And that brought him to the second reason which would decide his vote upon that occasion; a reason on which he ventured to say that the whole population, or at least nine-tenths of the population of Ireland were united; and that was the determination to prove to right hon. Gentlemen on the Ministerial benches, that they should not hold their places, except on the principles which they had professed on coming into office; except as friends of civil and religious liberty. As such, and only as such, they had hitherto maintained them in office;—it was in consideration of that one redeeming quality, that they had shut their eyes to their weakness, their inefficiency, and their errors. On the division upon the Greek question, or rather upon that more extended question of foreign policy which had been introduced by the hon. and learned Member for Sheffield, during the past Session, who but the Roman Catholic Members of the House of Commons had kept the Government in office? If they had been the narrow-minded bigots that they had been supposed to have been, there was much in the policy of the noble Lord the Foreign Secretary with regard to religious matters which would have induced them to have given a hostile vote. But they had proved upon that occasion that their faith had not "confined the intellect," or "enslaved the soul." They had taken the broad and catholic view of the matter; and, regarding the noble Lord the Secretary for Foreign Affairs as the friend of the constitutional rights of man all over the world, they had given their vote for those principles which they had believed to have been assailed in his person. And what had been their reward? Why, that the noble Lord at the head of the Government had used the staff which they had placed in his hands to smite them in the teeth. He said, the staff which they had placed in his hands, because, upon the Opposition benches his hostility would have been comparatively harmless, if, indeed, it would not have been melted, as of old, into love. The noble Lord on the Opposition benches had never resuscitated the policy of the middle ages; on those benches he had rather leagued with sedition than trampled upon freedom; on those benches he had always been the friend of civil and religious liberty, and on those benches he would be again their friend, if the House would only charitably help him in the transmigration. To the Irish Members behind him he would particularly address himself, and he hoped they would not think he was addressing them with an unparliamentary frankness, when he entreated them not to give a vote that night, which would compel the people of Ireland to look upon them as men who were retaining in office a Minister who had absolutely stepped out of his path to insult their religion, and who had deliberately excited against its ministers the sectarian rancour and fanaticism of a whole people. This statement might not be palatable, but it was true. The noble Lord had announced his intention of devoting his future career to a series of vexatious and obstructive measures, to a continuous course of bit-by-bit persecution, for the purpose of preventing the development of the Roman Catholic religion. Hon. Gentlemen had to consider whether they would maintain him in power for such a purpose. He, at all events, would do his duty, and would not, if he could help it, allow a man, who had made use of the religious feelings of his countrymen for years for party purposes, to employ the fanatical passions of others against them now, for purposes still more discreditable.

Lord J. RUSSELL: Sir, I can assure the House that if I were not persuaded that much more than the embarrassment, or even the fate, of a Ministry was involved in the result of the discussion to-night, I should hardly think it necessary to trouble it at any length on this occasion. Indeed, had the House been as full as it now is when the right hon. Gentleman the Member for Ripon addressed us, I would have been ready to declare that I could add nothing to the argument which he laid before us, and that I was ready to abide the issue on the case which he placed before the House. But, Sir, it is my duty, seeing the present state of the House, to enter into the consideration of this important Motion; a Motion which, I must say — introduced as it was by a speech of great ability, of great moderation—is in itself, as I conceive, fraught with as injurious and dangerous consequences, if it should be approved by this House, as any Motion that in the whole course of my public life I ever recollect to have been introduced. Sir, the hon. Gentleman the Member for Buckinghamshire laid down a great many propositions with respect to the state of the landed interest —propositions which seem to many Members of this House, I believe, to be serious propositions—for their consideration, but which, as I conceive, were actually intended to disguise the real objects of the Motion. For the hon. Gentleman told us, in the first place, that it was a great hardship to the landed interest that they were not allowed to grow tobacco. Why, Sir, the very easy and simple answer to that is, that if you took any just course—if you either remitted the whole of the duty, or if you kept up the duty and enforced an excise duty of equal amount on the grower of tobacco, and obtained the payment of that duty—and these are the only two ways in which an equality could be established—if you adopted either of these measures, no tobacco at all would be grown in the united kingdom. The hon. Gentleman next went to a similar grievance with regard to beet-root sugar; and to this a similar answer is applicable. Next, the hon. Gentleman showed the evils and hardships of the tax on malt. But, without entering into his argument on this point, I may just mention that the noble Lord the eminent leader of the party to which the hon. Gentleman belongs, has declared that so large a portion of the revenue as that derived from the malt tax ought not to be remitted, and that if he were a Member of this House he would give his vote against such a proposition. Another question brought before us by the hon. Gentleman was the question of tithes. On that subject I should say, following the right hon. Gentleman the Member for Ripon, that if there is a disadvantage in that bargain, the disadvantage is to the tithe-owner, and not to the landowner. It is of no importance to consider at present what was the original tithe; but the present state of the case is that there is a rent-charge which is payable to the tithe-owner; and, according to the hon. Gentleman's own showing, if the present prices continue, the tithe-owner would receive in a few years *75l.* for the *100l.* received at the time of the tithe commutation. I must really protest, if any such plan as the hon. Gentleman quoted is to be adopted—if there is to be a re-settlement of the question, with the view to diminish the sum payable to the tithe-owner, that a more flagrant act of robbery against the rights of property could not be conceived. Well, then, I cannot believe that the hon. Gentleman contemplates any such thing. Another matter which he threw out with equal length and ingenuity for our consideration was a change of the present local rate for the relief of the poor into a national rate. That is a matter which has been frequently under discussion, and I believe that most men who have considered this subject have come to the conclusion that a scheme more destructive of all economy, more destructive of industry on the part of the poor, more destructive to the finances of the poor, than a commutation of the various local poor-rates for one great national rate for the relief of the poor, could never be devised. Then, Sir, with regard to that subject, I cannot believe that the hon. Gentleman was in earnest in recommending a change. His own scheme of last year, to transfer some two millions from the local rates to the Consolidated Fund, did not meet this year with much notice from him; and the arguments against that proposal have been so fully admitted, that I shall not trouble the House with any observations on them. But the hon. Gentleman's whole course reminds me of a direction that I remember a friend of mine told me he had received when he asked the way he should go. He was told, "Why there is a way to the left, but it very soon leads into a swamp, and you cannot pass that way; and if you go a little further, there is another way, a little to the right, but it is a very intricate path, and you may lose your way; you had better not go that way." "But," said the person from whom he had asked his way, "if you keep on straight, and go along the road, you will arrive at the place which you wish to arrive at." I think the hon. Gentleman rather gave us a specimen of the details of the road that he did not wish us to follow, with the view of introducing the subject which is really the matter of his argument; for I consider that the real object of the Motion of the hon. Gentleman is that protection which was concealed during the greater part of his speech. It seemed to be the only thing upon which a practical measure could be proposed; and it is really worth the while of the House to consider what was the course which he proposed to them to adopt with respect to that. He has said that the proposition of the restoration of protection was not one that he could expect to be adopted by the present Parliament, and that it could only be carried by the opinion of the people in general, and even that a small majority would not be satisfactory, but that it ought to be so large a majority as to show unequivocally the opinion of the country. Now, the right hon. Gentleman the Member for Ripon has explained this allusion by referring to a statement which was made by the Duke of Richmond last year, to the effect that the object was, after having changed the Government to dissolve the Parliament, and in the new Parliament to propose a restoration of protection. But let us consider the way in which the hon. Gentleman proposes to attain his object. He said that unless the country was very unequivocally in its favour a Government should not propose that restoration. All that might be very well, supposing that the Government of this country were a thing quite independent of popular opinion and popular election. But supposing these new Ministers, to whom the hon. Gentleman alluded, to go down, upon their nomination, to their constituents for re-election, why, the first question that would be asked in the counties would be, "Are you for protection or are you not? do you mean to restore to us the protection that we have had, or do you not?" and they would not be satisfied with that indirect kind of answer which the hon. Gentleman has signified that he should give. "Protection is a very good thing, if the country in general is in favour of it; and if there is not only a majority but a large majority of the House of Commons, who will vote for it." No body of electors, anxious for protection, will be satisfied with such an answer; they will oblige their candidates to say whether or not they are for that protection which is in accordance with the opinions of those constituents; and the new Members or the new Ministers must come to this House determined to act in one way or the other when they come. And then suppose that they were to arrive here in that manner unpledged, who is to say whether or not there would be a sufficient majority in this House to content the hon. Gentleman? Who is to say, until we come to the vote, whether there would be a great majority or not in favour of protection? What is, then, the meaning of this? What is the meaning of this proposal, but that it is the most dangerous proposal that can be made, namely, without declaring directly or boldly in favour of protection, to throw the whole question again open to the country, to say that it was doubtful whether protection will be restored or not, to declare that it would be a good thing if it could be restored, but that it must be a matter of doubt and uncertainty for a year or two to come whether that protection should be restored or not. I now ask the House whether there can be any course proposed more mischievous to the country, more likely to lead to a revival of all those angry feelings which the hon. Gentleman himself declares he wishes to terminate by his present Motion? Why, Sir, in the first place, with this measure in contemplation, what would be the first operation? It would be heard all throughout the country; merchants and manufacturers would doubt and hesitate as to giving their orders; their foreign correspondents would say, "We cannot tell whether we can send the corn which we meant to send in return for your manufactures; we do not know what articles we can send; we do not know what import duties may have been imposed; we do not know what may be the nature of the measures that the Government and Parliament of England are about to adopt with respect to their commercial policy." Well, the consequence of that would be that orders would cease; that the employment now given, and which the hon. Gentleman himself admits is general, employment for the working classes would be diminished; that workshops would be idle — that factories would be closed; and that the whole country would be waiting for those measures which are, after all, to depend upon a measuring-cast majority in this House. But, Sir, there is even a good deal more than that in this question, because, as has been truly said, the great masses of the working classes in this country, whether they be employed in manufactures or in commerce, or whether they be employed in agriculture, now feel themselves interested in the question. When the question was under debate ten years ago, it was very commonly said by those who were strongly in favour of protection that the working classes would gain no benefit by a relaxation of the corn law, because whatever might be the cheapness of food, that their wages would be reduced in proportion, and they could not, therefore, be gainers by the change. Now, I believe that that argument was very successful with the working classes, and that for a considerable time, whatever was the opinion of the merchants and manufacturers, whatever amongst the middle classes was the agitation on this subject, that the working classes were disposed to believe that they would not be gainers by the change. But what is the case now? What is now the opinion of the working classes? Do not they now know that the reduction in the price of food—the reduction in the price of bread more especially—is greatly more than commensurate with the reduction in their wages? Do not the whole mass of the people feel an interest in this question which they never felt before? And would you not, therefore, find that the maintenance and continuance of your old protection is a totally different question from the introduction of new taxes on corn, which they would believe, at all events (whatever may be said by the right hon. Member for Stamford) will increase the price of the bread they consume. But take the man with twelve loaves a week for his family; if he pays *5d.* for his loaf, and if he expects to pay 6*d.* if protection is restored, there would be a shilling a week lost to him, which he now has to lay out on sugar or on coffee, or in paying for schooling for his children, but which he would then have to pay as an additional price for his bread. And do you think he would be indifferent to that question? Do you think he would see quietly the attempt to raise this question again, and to propose again a duty upon corn? I think those Gentlemen who are proposing this very much deceive themselves if they imagine there would be any quiet in the country under such circumstances—that there would be the least chance of tranquillity during the discussion of this return to protection. Why, it might be a proper course to say that they would propose the restoration of protection, and would stand by the question. But that is not the proposal of the hon. Gentleman the Member for Buckinghamshire. His proposal is to have a continued discussion and agitation of this question; and the proposal of the hon. Gentleman is to have nothing settled, but to leave this question for a time in abeyance. I say they should do one thing or another; they ought to come forward and say, "However excellent the system of protection may be, it is not passed, and cannot be regained:" or they ought to say, on the other hand, "We are ready to stand by protection; if protection can be enforced, we are the persons who ought to govern the country;" but if protection cannot be again enforced, it must be for persons who profess our opinions and doctrines to govern. But I say, it is most dangerous, as well as most unfair, for the hon. Gentlemen to start this subject in the way they have done; they are at at a loss, as it were, whether to take one side or the other with respect to the question of protection. Well, Sir, during the time in which this question would be under discussion, there would be, as I have said, the greatest uncertainty in all commercial transactions; there would be a complete change of that which we have seen; there would be a doubt hanging over the mind of every one as to the nature of the proposition which was to be made. Now, Sir, the hon. Gentleman says, fairly enough—I do not object to his statement—that I have neither inclination nor skill in the management of figures and statistical statements in this House. I own that, with regard to these questions, I am apt to consider the political and moral consequences of these changes fully as much as their economical and commercial bearing; and I always thought that it was a most dangerous position with regard to the corn laws, that those who directed discontent against the Parliament on that subject had it in their power to say—"Nearly the whole of the House of Lords, and a great portion of the House of Commons, is composed of men who themselves are landowners, who are interested in this question, and who are making you pay their incomes out of the exertions of your industry." Sir, that was at all times a very dangerous part of this question; but in future it would be multiplied tenfold, if, after the corn laws had been repealed, you were to attempt to reimpose them. The most wild Chartist would wish for no better topic on this subject than to say—"Look at your Parliament, look at your House of Lords, and look at your House of Commons; they are making a difference in the price of corn, which the noble Marquess the Member for Stamford stated to-night to amount to no less a figure than sixty millions—which another Gentleman stated amounted to fifty-five millions; they are making you pay this immense sum in order to add to their incomes by the imposition of duties which are opposed to the interests of the mass of the working people of the country." I do hope that Gentlemen will consider that dangerous aspect of the question, before this House again sets loose for public discussion a question of such great importance. Well, then, Sir, it is said, however, that land is burdened in an especial manner, and these burdens ought to receive compensation. Why, Sir, I remember when an hon. Friend of mine, now Chief Commissioner of the Ionian Islands, year after year attempted to obtain a Select Committee, in order to consider what were the burdens on land, that those Gentlemen who most defended protection never could bear the notion of inquiry, and they came forward at once to beg that there might be no inquiry, and to stifle all attempt at investigation. And now it appears that, without investigation, we are to suppose that these great and unfair burdens are placed upon the land. Now, Sir, my opinion with respect to that question is in conformity with what is stated in Her Majesty's Speech, that the burdens on land are every year becoming less, owing to the prosperity of other classes of the community. We know very well that a century ago there was a land tax which amounted to two, or three, or four shillings in the pound, and that, too, was at a time when the rent of land altogether was not more than one-fourth of what it is at present; and when the hon. Gentleman says that upwards of two millions are now payable to the land tax, I say that two millions is now payable out of upwards of forty millions income derived from land, when formerly it was payable out of eight or ten millions, and that all this is a great diminution of the burden. But with respect to the local rates, there is a diminution of the burden going on by the very increase which is taking place with respect to other interests. With respect to houses, with respect to mines, with respect to canals, with respect to railroads, all these classes have been coming in and taking a large portion of those burdens of which formerly the greater part was paid by the land. We have heard it stated, I think, by my right hon. Friend the Chancellor of the Exchequer, that only a few years ago land paid about 64 per cent of the whole burden, and that now it is paying no more than 44 per cent. Why, that is a very great change, and a great change in favour of the landed interest; and if you will allow these proceedings to go on —if you will allow men to invest their money in industrious enterprises—if you will allow them to acquire the fitting capital which belongs to those enterprises, you will be doing a much greater service to the land than if you were to attempt to interfere with the present state of the finances of the country by placing either the land tax or any other tax on the Consolidated Fund. Sir, the hon. Gentleman says that it is an easy thing for a person who is in opposition to say with regard to any particular burden which is to be removed from the classes of which he is the advocate, that it is an easy thing to say let that burden be transferred to the Consolidated Fund. No doubt it is an easy thing to say; possibly it may be no very difficult thing to do; but it is a very difficult thing to bear. Because this Consolidated Fund is not a treasure of which the right hon. the Chancellor of the Exchequer has charge, and from which any sum can be taken out, but it is composed of the tax upon tea, the tax upon sugar, the tax upon coffee, and the various taxes which affect the working classes of this country. Now, Sir, what has been the policy pursued since the year 1842? The policy pursued has been to apply the means which were derived from a surplus revenue to the diminution of those burdens which pressed upon the labour and the industry of the country. That was the policy which Sir Robert Peel, by virtue of the sum that he obtained from the income tax, introduced into the legislation of this country. Sir, we have proceeded, since we have been in office, upon the same principles, and have adopted measures of the same kind. I stated, I think, last year, that, with regard to sugar alone, 200,000 tons of sugar which this country used formerly to consume, could be obtained at five millions of money less than they were formerly obtained; while, from the introduction of the increased quantity of sugar, not so much as a million is lost to the revenue. My belief is that Parliament has adopted a wise course with respect to this kind of legislation. During the war, the pressure of that war, while large loans were made every year, compelled the Chancellor of the Exchequer to impose very heavy duties on articles of very general consumption by the people at large; but after so many years of peace it is wise to diminish these duties, and by diminishing them we not only obtain a large relief to the people, but we do not, in fact, injure the revenue. The House has heard it stated that after reducing by nearly ten millions the taxation, and imposing little more than five millions, that that balance of nearly five millions has been restored to the Exchequer by the increased means and the increased energies of the industrious classes. Well then, Sir, I ask, what there is to induce this House to change that system? With regard to the revenue, as I have just shown, you have no reason to change it, because your revenue is found sufficient, and you have a surplus in the Exchequer. With regard to the poor-laws and the general employment of the poor, you find that employment is increased even in the agricultural counties, and that even this year it has been 10 per cent above the former year. In looking to crime I find in 1848 the number of persons committed was 30,349, that in 1849 it was 27,882, and in 1850 it was 26,793, showing a diminution from 1848 to 1850 of not less than 3,556 persons. Now, Sir, with respect to the state of the employment of the people. If, with respect to the finances—if, with respect to the state of crime, you have a great advantage, in what respect are you losers by the present system? Is it in the general state of the people—in the political tranquillity that prevails? No man, I think, who has considered the events of the last few years, will deny that the abrogation of the corn laws has tended most materially to the tranquillity of this country; and that those who might have been induced by examples of revolution in almost every country on the Continent to follow that example, have been induced to remain quiet, from seeing that the Legislature of the country was not indifferent to the welfare of the working classes of this country. I beg you not to reverse that lesson. Those great questions of government — those questions of absolute government, on the one hand, and of liberty on the other, are not yet settled; they may be settled in favour of one party or the other. We may see absolute government restored to its former palmy estate; we may see democratic revolution succeed; but, at all events, whatever may be the case, I should be most grieved if I thought that the great mass of the people of this country were induced by your restoration of the laws which enhance the price of food, to consider that by imitating the democracy of the Continent they could gain any advantage over that liberty and that prosperity which they are now deriving under the ancient institutions of their country. I hope, therefore, that this House will countenance no such restoration. Sir, the right hon. Gentleman the Member for Ripon alluded, in terms that became him, to the loss that we have sustained of a great statesman who began this course of legislation, and who himself carried the repeal of the corn laws. Without having ever had the advantage of being a friend of his, yet I hope I may be permitted to say to his friends that I am not indifferent to his fame. That last infirmity of noble minds belonged to him as it has belonged to others. He did wish that his name should be hallowed in the gratitude of his country; and I, for my part, should wish that, while I am consulting the present interest of this generation, I may be providing for his fame in future generations. That fame can only be sufficiently secured by the permanence of the policy to which his name has been attached, and which he was enabled to induce Parliament to adopt. For this reason, as well as for others, I should deeply lament the reversal of the policy which now for near ten years has been adopted by Parliament. I can assure the House that no consideration with respect to the position or fate of the Government affects me nearly so much as the fear that I shall have to see that policy reversed, and the contrary course again prevail. My belief is, that the whole of the farmers, and owners and occupiers of land in general, should not be induced to turn their attention from those improvements of the soil which they are now, to their great credit, pursuing, to a course which would only end in disappointment. I believe the minds of the country would be irritated against its institutions, and that it would be long indeed before we could see that tranquillity and content which we have now to boast of, and which even the mover of the proposition before the House has not ventured to deny. In the name, then, of the great interests of the country—in the name of the whole mass of the people—I ask the House not to consent to this Motion.

MR. DISRAELI rose to reply, and said: I trust that the House will, in its indulgence, not think me unreasonable, if at the end of a protracted debate on a subject of acknowledged importance, I avail myself of the salutary privilege of a reply, in order to recall distinctly the Motion which has been made. The House will recollect that it is at the commencement of a new Session of Parliament, and that the Legislature and the people of England, in a most gracious Speech from the Throne, have been congratulated on the general prosperity of the country, and, at the same time, informed that Her Majesty still deplores the continued difficulties experienced by one—and that one an important—class of Her subjects, and this House, I think, will agree that it was not, after the reception of such a speech, unnatural or unreasonable that this House, representing the people, should take into consideration such a message—and should endeavour to inquire into the causes of that particular distress—and if possible indicate the measures required to relieve it. Sir, it was with this view that, believing that the suffering class—and the only suffering class, according to the Speech from the Throne, and according to the opinion of the Cabinet—was so suffering in consequence of a great and undue pressure of taxation—I took the liberty to bring this subject before the House; and the question before this House is, whether these difficulties and this distress are, or are not, occasioned by a great and undue weight of taxation on one class of the community—that class being the only one that is suffering, according to the Speech from the Throne and the statement of the Government. But, Sir, that is not the subject that has been debated this night. I endeavoured to secure a fair discussion of this important question by stating, and with a frankness which I do not regret, my sentiments on other subjects which some might think unconnected with it. I said the other night—and I repeat it now—that it was not my intention to make either a direct or an indirect attack on the new commercial system of the country. If, indeed, I really believed that that system popularly called protection was the only specific for agricultural distress, I would not come forward to propose a policy of protection with reference to the interests of one class alone. But irrespectively altogether of that consideration, I repeat that, after all that has occurred on this head, I do not think that this House is the scene where that great controversy can be settled. It must be settled out of doors, and by the conviction of the great majority of Her Majesty's subjects. Well, now, I ask the House whether I have proved my case or not—if I have shown that the agriculturists of this country—the owners and occupiers of land—bear a greater amount of taxation than other classes of the community. Have I established this important fact, that there exists in this country at this moment a financial system, framed in the days of protection, which that principle of protection could only justify, and which with the aid of protection could alone be tolerated? Have I shown you that, under these circumstances, the energies of the landed interest of this county were strained, and that they only bore the burden by the artificial aid that was afforded them. You have withdrawn that aid; and have I come forward on the part of that class which is suffering, and which is admitted to be suffering, in the Speech from the Throne, and the statements of the Government—have I come forward, I repeat, to ask you to restore the laws that have been abrogated? No; but I ask this—whether, in this the hour of your flushed prosperity, when all other classes are stated to be in a state of felicity, you cannot discover the cause of this anomalous adversity—if you cannot, in the spirit of political justice, which the Member for the West Riding despises, find for it the specific that will relieve it. Has any one upset any statement I have made? Has any one denied that two-thirds of the enormous revenue derived from your monstrous system of Excise is not raised from one single crop of the British farmer?—an amount equal to the revenue of the whole empire of Austria. But I am told by the hon. Gentlemen on the free-trade benches, that the consumer pays it! Oh that I should live to see so little regard for the interest of the consumer felt by the hon. Gentlemen on those benches! But can any one forget, that at the very moment when the production of the barley crop is thus checked, the Prime Minister tells us that the farmer must grow no more wheat. Why, what is the farmer to grow? Again, let me ask the House whether any one has controverted my statement with respect to local taxes. Was not the evidence of the Secretary to the Treasury, given before a Parliamentary Committee, conclusive on the subject? So highly was that evidence thought of by the Government, that they published it in the authoritative form of a pamphlet; and has it not, as far as reasoning is concerned, settled the question for ever? Has any one said—"While we cannot deny the grievance, we will attempt some means to make a juster distribution of the burden?" No, not a promise. No hope has been held out—nothing but a boast of their prosperity—nothing but an appeal to their full coffers, and the simultaneous and insulting information that the fulness of their coffers is caused by our profits, which are taken from us. This is the entire case in its naked form. The House will then agree that what we are really going to decide upon is whether the farmers of England are unjustly taxed, and whether, in the present condition of the country, and with a full Exchequer, it is not the duty of the Minister to bring forward a measure to remedy that injustice; and more especially his duty when he has gone out of his way to advise the Sovereign to give the solemn assurance to the country that the difficulties and distresses of the agricultural interest are not exaggerated, and when that distress is considered of so important and pressing a character as to be mentioned from the Throne at the assembling of Parliament. If the noble Lord had any confidence in the opinions which he has just now expressed across the table, he had no right to counsel the Queen to make that admission. What was the proposed object of that admission? Was it a compromise of distracted councils and conflicting cabinets? I cannot account for it in any other way. It is the most reasonable and the most honourable way in which it is to be accounted for. Perhaps the House will now permit me to make a few observations on the principal critics of the Motion which I have placed in the hands of Mr. Speaker. In the first place, I met my old antagonist the Chancellor of the Exchequer. The Chancellor of the Exchequer was unhappily absent from the discussion of last Session, and no one deplored the cause of that absence more than I did. The result of the discussion which took place on that occasion was not so successful for the right hon. Gentleman's cause as that of former discussions, and it is said, that the division of twenty-one somewhat retarded the convalescence of the right hon. Gentleman. Unfortunately, however, for him, he has been burning to repair the defeat of his Colleagues, and in order that he may regain his ground, he has this year made the speech which he would have made last year, had he been well enough to deliver it. I appeal to the House, whether the Chancellor of the Exchequer has met the case? Did he meet the question as I placed it? Did he not, on the contrary, do that which I warned him would enforce my proposition. I told him to beware of the reports of the Poor Law Commissioners; but no art or inducement upon my part could prevent him from seeking aid and relief from the union. The Chancellor of the Exchequer is an ablebodied labourer with good wages, not excessive, but ample; that is not the man you should find prowling about a workhouse. But whatever you do, no matter what arguments you adduce, no matter what case you make out, in the workhouse you are sure to find the Chancellor of the Exchequer, and there I will leave him. I come now to the right hon. Baronet the Member for Ripon, who, I regret, is still my antagonist. The right hon. Baronet put on his best armour tonight; but I think the navigation laws were not the most fortunate voyage. He says, he does not exactly understand the object of my Motion; and he refers very much to the state of France. He says that the land of France is going out of cultivation, in consequence of the lowness of prices. This admission is not very encouraging to hon. Gentlemen at this side of the House, or to the disciples of free trade. The account given by him of the state of France is somewhat perplexing. The number of fundholders in France has increased from 200,000 to 800,000, and yet the hoarding has increased. The land is going out of cultivation, and yet importations of corn and flour from France are arriving here by every steamer. But, says the right hon. Baronet, "How are our national establishments and the public faith to be maintained, if the assumed policy which some recommend is adopted?" But allow me to tell the right hon. Baronet, that no class is more interested in maintaining the national establishments and upholding the public faith than the owners and occupiers of land, and no class is more prepared to make every just sacrifice for so holy an object; but all I say is, don't let us contribute to that object more than our just quota. What they complain of is, that they contribute a greater proportion than other classes to the taxation of the country. That they may not do so any longer is the justice which they wish, and which the hon. Member for the West Riding contemns. The right hon. Baronet the Member for Ripon can see no means by which this justice can be obtained. He says, "What are you proposing? The repeal of the malt tax. Monstrous!" I did not propose the repeal of the malt tax, nor the repeal of the duty on tobacco, though I advised you to consider how you could relieve the grievance of those taxes; but the right hon. Baronet says, "Go to Lord Stanley; he will not sanction the repeal of the malt tax." But I remember a right hon. Gentleman who once did. A statesman, not less distinguished than Lord Stanley, who said that it was impossible to repeal the corn laws and maintain the malt tax. My right hon. critic was followed by another distinguished Member of this House, who said, in a laboured eulogium of the new commercial system, that it had "laid the foundation of a great social and economic revolution." A comfortable prospect, truly! I thought the age of transition had passed—but our prospect is a great social and economic revolution. I do not know whether this was communicated to him by "the American gentleman in private," who gave him that information respecting the state of the manufactures of Massachusetts; but from information which I have received, not "in private," the real state of the manufactories of Massachusetts does not agree with the statement made by the hon. Member for Liverpool. I should have thought that an hon. Member, representing a town like Liverpool, would have had such a knowledge of the American character, distinguished for its taste for humour, as would have taught him the danger of believing all that was said by "an American gentleman in private." "But," says the hon. Member, "the commercial world has been distressed." "Look at the commercial world distressed in 1847," said the hon. Member for Liverpool, and therefore said by authority, "but the commercial world did not come to the House of Commons to assist it." I should have been very much surprised if it had—for I was one of a Committee appointed to inquire into the general distress in the commercial world, in 1847, and we found out that there had been much unprincipled gambling on the part of the commercial world, and much over-speculation. I, for my part, taking a more charitable view, held that that commercial distress had been aggravated by our recent banking laws; but the Chancellor of the Exchequer divided the Committee against me. He said there should be no alteration of the banking laws, because the whole of the distress was occasioned by the unprincipled conduct of the commercial world. I should have been very much surprised, therefore, if the commercial world had come to the House of Commons after that for assistance. But what analogy is there between the losses of the commercial world in 1847, caused by long bills and over-speculation, and the difficulties and the depression of that important class, the owners and occupants of land, which you yourselves acknowledge are caused by your own legislation. "But the commercial world," says the hon. Member, "has since realised 50,000,000*l.*—an ample compensation for what they lost before by over-speculation." What an answer is that for the financial reformers! I trust we shall have no Motions for the repeal of taxes, nor for the benefit of the only class which is suffering, after such an enormous sum has been netted, according to the statement of so distinguished a representative of the commercial world as the Gentleman on my right. I approach now the oracle of the West Riding. The hon. Member (Mr. Cobden) rises and says that this is avowedly an attempt to obtain compensation for the repeal of the corn laws. The hon. Member is quite mistaken. It is a demand, as I said before, for that justice to which the owners and occupiers of land are entitled—but, if he likes, it is a demand for compensation—not for the repeal of the corn laws—but for that unjust taxation with which they are now burthened, and that is a very different state of the case. "The whole thing," says the hon. Member for the West Riding, "your whole statement is founded upon an assumption that at the time of the repeal of the corn laws, a certain price, by a sort of compact, was guaranteed to those interested in the land." A more unfounded accusation I never heard in my life. Night after night did my noble and lamented Friend, with myself and others, who followed in his wake, make every statement we felt authorised in making—offered every argument which occurred to our reason—to show to the House that, in consequence of the change in the law, an immense fall of prices would take place—a fall greater than any one ventured to predict, and the termination of which it was impossible to anticipate. How, then, can the hon. Member for the West Riding say, that, on our side, we entered into a compact that a certain price should be secured, when all the arguments our ingenuity could suggest were enunciated to prove that there must be a depression of price beyond that even which the most able statisticians could calculate? But were there not Gentlemen who did not sit on the Opposition benches who were very glib with their estimates—who, with the recklessness of audacious ignorance, favoured the world with exact statements of what would be the inevitable consequences of their legislative enterprise? Undoubtedly there were. And, strange to say, notwithstanding the loud asseverations of the hon. Member for the West Riding, I believe it will be found that he was the prime offender in that respect. What were the words that I heard about that time in one of the most memorable speeches made by the hon. Member for the West Riding in this House—a statement made and repeated in many other of his speeches. I have the extract here; but I will only read as much as will be a sufficient answer to the cool statement made to-night by the Member for the West Riding. This, mind you, is not a hasty, vague, or ill-considered opinion, for, says the hon. Member for the West Riding, "Without pretending to look into futurity, I know of no better test as to the future prices of corn in this country than that presented by the island of Jersey, taken for a number of years"—(the hon. Member, you see, was cautious, 'a number of years')—"the average price has been, from 1832 to 1841 inclusive, 48*s.* 4*d.* The average price in our own market is only 56*s.* I have taken some pains to consult those"—(the hon. Member for the West Riding, who accuses me of assuming that a certain price of wheat was to be secured by a kind of compact between the protectionists, as he calls us, and our opponents, although we always said that no person could dream of calculating what the price would be, the hon. Member for the West Riding in Parliament said)—"I have taken some pains to consult those who best understand the subject"—a man of research, you see—"and I find it to be their opinion that a constant demand from England will raise the level of European prices 2*s.* or 3*s.* per quarter, and we shall, therefore, have in this country, prices exceeding 50*s.*" It is no part of my case to enter at all into prices, but I only do this to show of what stuff certain persons are made who accuse me of assumption—a vice no man in the House indulges in so liberally as the hon. Member for the West Riding himself. "What proof have you of distress?" asks the hon. Member for the West Riding. My answer to that is, Her Majesty's Speech. Certainly at an hour after midnight, on this, the last night of the debate, I need not enter into that question. I leave our sympathising Cabinet to afford the hon. Member for the West Riding all the information which authorised the insertion of that paragraph in the Royal Speech. "But," says the hon. Member for the West Riding, "the iron trade is suffering—shopkeepers are suffering—the cotton trade itself is not so well as we expected"—indeed I was almost afraid that in the hands of the hon. Member for the West Riding, "general prosperity" would have melted rapidly away. "They do not come here to complain, or to ask relief from this House; the only parties," says the hon. Member, using language which, I am sorry to say, has become Parliamentary, "the only parties (meaning persons)—who do this are the owners and occupiers of land." Well, but I want to know with what property and industry Parliament interferes as with that of the owners and occupiers of land? Let the House leave us alone. If the House of Commons interferes with our industry, restricts the cultivation of the soil, exposes us to an unfair competition, and loads our produce with an enormous and unjust taxation, is it too much that we should complain? I hear of "agricultural exemptions," but the best exemption would be exemption from the legislation of this House. But you, revelling in the consequences of your free intercourse, and your unrestricted commercial speculations, tell us who suffer in consequence of the laws of the country, that you will not consider, modify, or mitigate them. Then the hon. Member for the West Riding derided the proposition—(which I have not made)—of repealing the malt tax, because it is paid not by us, but by the consumer. A repeal of the malt tax, he says, can be no relief to the farmers. The hon. Member a year or two ago was of a different opinion. [*Great cheering, amidst which Mr. Cobden made a gesture of denial.*] You shake your head! Well, but on the 12th of January, 1849, did you not sympathise with the farmer? Why, I have got it here —"Cobden and the Malt Tax." "We sympathise with the farmers," says the right hon. Member for the West Riding, and the class on whom the hon. Gentleman bestows his sympathy is the same whose difficulties and distresses I have brought before the House of Commons, in consequence of the announcement of those difficulties and distresses in the most gracious Speech of Her Majesty. "We say with them," observes the hon. Member for the West Riding, in the published speech which I hold in my hand, "that we will not tolerate it [the malt tax]. As for protection for corn, we will not hear of it; but we will co-operate with them in getting rid of that obnoxious impost—the malt tax. We owe the farmers something, and we will endeavour to repay them in kind." The hon. Member recommends leases as a remedy for agricultural distress, and is exceedingly indignant because (as he represents) the suggestion was received with derision at this side of the House. But I beg leave to assure him, that he has erroneously interpreted our feelings. The abstract idea of a lease evokes no sentiment of derision from us. What excited our merriment was, that the hon. Member should be so unsophisticated as to suppose that a lease is a thing not in existence, and that, in point of fact, we at this side of the House hear of such a suggestion for the first time. This, I take leave most emphatically to assure him, is a mistake upon his part. What excited our derision, I have again to inform him, was not the abstract idea of a lease, but the amusing notion of the hon. Member's being clearly under the impression that, in alluding to a lease, he was uttering a suggestion which really bore the impress of originality. I have little to say on the speech of the First Minister of the Crown. I look on the First Minister as occupying upon this question a most unhappy position. I have for him all that sympathy which the hon. Member for the West Riding entertains for the occupiers of land. And when the noble Lord tells me, that my resolution is the most dangerous proposal that has ever been made, I beg leave to ask him, why he gave me such frank encouragement to make it, by the paragraph in Her Majesty's Speech? My resolution—the most dangerous proposal ever made—is the echo of that speech, and the logical consequence of the noble Lord's admission. My advice to my Friends around is, that they will not suffer themselves to be frightened by the latter part of the speech of the noble Lord. Its portentous intimations are nothing more than those formularies of rhetoric, which it has become too much the fashion to adopt on the Treasury bench and on some other benches beside. Sir, I will not believe that the people of this country—all classes, I mean, of the community—will think that a dangerous proposition which courts inquiry, and which only seeks, for its object, a fair adjustment of public burdens. I have too good an opinion of the sense and public spirit of the manufacturers themselves, to suppose that any great number of them will look on my proposition as one of the most dangerous that has ever been brought forward. I will do our prosperous fellow-subjects the justice to suppose, that if they believe that there is an undue pressure on the industry of any class of their fellow-subjects, especially on the industry of that virtuous and honourable class the farmers of England, they would be glad to see such injustice removed, and happy to take a part in its removal. All these attempts to invest a purely fiscal question with great political consequences, and to impart to it a rich political colouring, are mere happy pleasantries of the noble Lord's. He does not believe them himself, nor does he suppose that there is any one in this House who will believe them. This has been tried a little too much. I read this morning an awful, though anonymous, manifesto in the great organ of public opinion, which always makes me tremble: Olympian bolts, and yet I could not help fancying amid their rumbling terrors that I detected the plaintive treble of the Treasury bench. There we are told that the owners and occupiers of land are a very insignificant class, and that it would be well for them not to stir themselves, lest their insignificance may be revealed. I am not one of those who approve of those statistical calculations to which recourse is too frequently had, in order to demonstrate the comparative importance of the different classes in this country. Such calculations are sometimes not very accurate, and they are, I think, always injudicious, and may tend to mischief. To a general inquiry as to the intelligence, industry, and opulence of this country, I have no objection; but it is painful to me to see class arrayed against class by rival calculations of their relative importance. I will not suffer myself to be tempted into any such calculations; but I may be permitted, in general terms, to say of those who are connected with the agricultural interest, that in number, in property, in intelligence, in public virtue, and in private worth, they are inferior to no other class. More I might perhaps say, if I chose, since I have observed in the course of this debate, as I have remarked in the course of other debates on this great question, that the existence of Ireland is (to use a word borrowed I suppose from the Pope) "ignored." The millions of a country which is entirely dependent on agriculture seem unworthy to be included in these statistical calculations. But undismayed by menaces from any quarter, I hope that there is so much spirit in the Gentlemen of the united kingdom, that they will not be daunted either by the mystical references of the noble Lord at the head of the Government, or by the less authoritative and more decided threats which may reach them from other quarters. I hope that hon. Members, if they believe that they would be doing their duty by supporting this Motion, will not be deterred from supporting it; and I seek for no man's vote unless it be dictated by a sense of duty. I hope, however, that the Gentlemen of the united kingdom will feel that it is their duty to take a more active part for the future in defending the interests of the tenantry. This is mainly a farmer's question. Nobody has met my argument on the subject of rent, which shows the fallacy of that barbarous slang by which it has been too long the custom to meet the appeals of reason. This, I repeat, is a farmer's question—the question of a class who are suffering severely—who have been long suffering—and whose sufferings are increasing. From motives which I can appreciate—from feelings of delicacy which I can entirely comprehend, the owners of land have not heretofore stood forward to vindicate as they ought to have done, the interests of the tenantry. I hope Sir, that this is the commencement of a new era. I hope that no man, whether an owner or an occupier of land, will hereafter be ashamed or afraid to ask from an English Parliament that justice to which every English subject is entitled.

Mr. MUNTZ said, he should support the Motion, although he believed protection ought not, and never would, be restored. The Government and its supporters all indulged in hopes; but as he knew the tenant-farmers were in a great state of distress, and could not live on hope, he had felt it his duty to vote for the Motion.

Mr. GREENALL, amid cries of "Divide!" was understood to say he would support the Motion of the hon. Member for Buckinghamshire.

Question put.

The House divided:—Ayes 267; Noes 281: Majority 14.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Alcock, T.
Anson, Visct.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, T.
Barrington, Visct.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Berkeley, hon. G. F.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brown, H.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Carew, W. H. P.
Cayley, E. S.
Chaplin, W. J.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cubitt, W.
Currie, H.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Emlyn, Visct.
Euston, Earl of
Evelyn, W. J.
Fagan, J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. R. O.
Grace, O. D. J.
Granby, Marq. of
Grattan, H.
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Heathcote, G. J.
Heneage, G. H. W.
Heneage, E.

Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Inglis, Sir R. H.
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Lascelles, hon. E.
Lawless, hon. C.
Legh, G. C.
Lennard, T. B.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Macnaghten, Sir E.
M'Cullagh, W. T.
Meagher, T.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Monsell, W.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Mure, Col.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connor, F.
O'Flaherty, A.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Palmer, R.
Peel, Col.
Pennant, hon. Col.
Pigot, Sir R.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Powell, Col.
Power, N.
Powlett, Lord W.
Prime, R.
Pugh, D.
Pusey, P.
Reid, Col.
Rendlesham, Lord
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Richards, R.
Roche, E. B.
Rufford, F.
Rushout, Capt.
Sadleir, J.
Sandars, G.
Scott, hon. F.
Scully, F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Simeon, J.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Townley, R. G.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Wegg-Prosser, F. R.
Welby, G. E.
West, F. R.
Wigram, L. T.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wynn, H. W. W.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.
Beresford, W.
Mackenzie, W. F.

List of the NOES.

Abdy, Sir T. N.
Adair, H. E.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Blewitt, R. J.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Busfeild, W.
Buxton, Sir E. N.
Calvert, F.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Copeland, Ald.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Currie, R.
Curteis, H. M.
Dalrymple, Capt.
Dashwood, Sir G. H.
Dawson, hon. T. V.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Evans, Sir D. L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.

Howard, P. H.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Jermyn, Earl
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lushington, C.
Mackie, J.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
Magan, W. H.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pelham, hon. D. A.
Pendarves, E. W. W.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, J.
Townshend, Capt.
Traill, G.
Trelawny, J. S.
Tufnell, rt. hon. H.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Hayter, rt. hon. W. G.
Hill, Lord M.

JESUITS.

MR. GROGAN moved—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House Returns showing the number of Jesuits, and of the members of any religious order, community, or society of the Church of Rome, bound by monastic or religious vows, registered pursuant to the Act of Geo. IV., c. 7, sec. 28, in the United Kingdom, subsequent to the 23rd day of April, 1829. Of all licences granted pursuant to said statute to all Jesuits or members of any religious order, community, or society, as aforesaid, to come into and remain within the United Kingdom subsequently to the said date. And of all Jesuits, or members of any such religious order, community, or society, as aforesaid, who shall have been prosecuted for any misdemeanour or offence under the said statute, and subsequently to the said date."

MR. KEOGH protested against the granting of such returns, as the object of them was evidently to expose these religious orders to persecution.

MR. GROGAN could not see how there could be any reasonable objection offered to the returns, as similar ones had been granted in former Sessions. He had consulted the right hon. Baronet the Secretary of State for the Home Department respecting them, and he said he saw no objection to them. Under the provisions of the Act of 1829, the registration of all Jesuits and Monks was made incumbent under penalties.

MR. C. ANSTEY said, that all the members of religious congregations, who were not registered under the provisions of the Act referred to, were liable to banishment or transportation for life. This was the reward that they would return to these gentlemen who devoted their time in feeding, clothing, and instructing the poor. The return would be the means of enabling any person actuated with feelings which prompted the present Motion, to turn informer, and prosecute the members of the different religious orders in this country. Lord Stanley had said that the time was come to look into these matters, and to take out these infernal Acts from the Statute-book. With the view of testing the sincerity of hon. Gentlemen opposite, he had proposed to introduce a Bill for their repeal, yet out of a House of 200 Members there were only thirty-five to vote with him, and the son of the noble Lord voted with the majority. Those damnable laws, that still disgraced their Statute-book, declared, that unless the members of the religious orders, received the licence of the Secretary of State to remain in the country, they would be liable to banishment; and if they refused to obey that sentence, to transportation. They were so bound by their vows that they could not consent to banish themselves, so that transportation would be the result. There was the Abbey of Loughborough, which fed hundreds weekly of the starving poor; and, like the Christian Brothers and other religious orders, educated thousands throughout the year. Was the Government prepared to prosecute such excellent bodies of men, whose whole lives were dedicated to the performance of charitable works amongst their poorer brethren? This return would enable some informer in the town of Loughborough to prosecute, with safety to his pocket, the venerable Abbot of the Trappists by the name of Wm. Palmer. He was determined to divide the House against the Motion.

SIR R. H. INGLIS said, that the warmth of the hon. and learned Gentleman had carried him to the very bounds of Parliamentary licence. The hon. and learned Gentleman had been guilty of the utterance of language which any society of gentlemen in England ought not to tolerate. He put it to the House, whether a stronger argument could be used for the Motion than that which was urged against it by the hon. and learned Gentleman, and who also had admitted that those persons were violating the present law of the land. He was surprised that two hon. and learned Gentlemen should interfere to prevent the law from taking its course, and to extend impunity to those who had practically disobeyed the law. This very same return had been already granted, and it was but a poor consolation to them to know the number of those who systematically violated the law.

MR. TRELAWNY considered that the hon. Baronet had no right to quarrel with the epithet used by the learned Gentleman, since he himself had used the words "Godless colleges" to a Bill which had received the sanction of that House, of the House of Lords, and even of Royalty itself. He thought it was particularly desirable that one or two Catholic priests should be transported, for the purpose of producing a sound tolerant feeling in the country. The labouring classes were not with those who set up this anti-Catholic howl. The middle and higher classes might; but he knew that the labouring classes were more sensible.

SIR G. GREY did not see any reasonable objection to the Motion. The return would not furnish the means for the exercise of the informer's vocation. The names of parties would not be given; and the sources of information were not private. The records were in the office of every magistrate, and they would not subject any one to prosecution. Not seeing any reason for refusing the Motion, he would give his assent to it.

An HON. MEMBER having moved the adjournment of the House,

MR. KEOGH said, he was not surprised to hear the right hon. Baronet assent to the Motion of the hon. Member for Dublin, as they seemed both to be perfectly agreed upon the question of instituting a prosecution against these Catholic priests. They had already been told by the First Minister of the Crown that the Viceroy in Ireland had been consulting the Attorney General as to the propriety of commencing those prosecutions. He protested against the House acting as jackal to Her Majesty's Attorney General.

MR. WALPOLE was surprised at the objection of the hon. and learned Member for Youghal, which he understood to be, that if the returns were granted, parties guilty of a violation of the Act would be subject to a prosecution in consequence. But as the first part of the return merely referred to the number of Jesuits in the country previous to 1829, the objection did not apply; and as the second part only referred to those licensed, no prosecution could by any possibility be occasioned in consequence of that return furnishing any evidence.

SIR G. GREY: The reason that no returns have been made is, because not a single licence had been applied for.

MR. C. ANSTEY had not the Act of Parliament before him, but the hon. and learned Member for Midhurst was in error. It was not merely an enactment requiring the Jesuits and members of religious orders to register themselves, it required the monks and Christian brothers to obtain the Secretary of State's licence; and a natural-born subject, living in England, under the protection of the laws, could not of his own will enter one of the orders, though licensed by the Act, without incurring, first, the penalty of banishment, and, in the second instance, transportation for life. The word he had used in designating that enactment was used to denote the religion of eight millions of Her Majesty's subjects in the United Kingdom, and several millions of Her subjects not within the United Kingdom. Their religion was damnable; and he said, using that word, that it had been consecrated, not so much by the Act of the Legislature, as by the approbation of the party represented by the hon. Baronet the Member for the University of Oxford. Using that legal, holy, consecrated word, he did so to designate this as a damnable enactment. [*Cries of* "Order!"]

Mr. SPEAKER appealed to the hon. and learned Member, whether it was a word consistent with the dignity of the House?

Mr. C. ANSTEY would not persist in using the word in that House. Her Majesty, on the Throne, must alone be permitted to do so, and then only when referring to the subject of the Roman Catholic religion. Bowing to high authority, he would admit that the Roman Catholic religion was the only thing, in reference to which that word could be legally used; that it was the only thing that could be legally predicated as truly damnable. He did admit that the Roman Catholic religion was the only damnable thing known to the House. [*Cries of* "Order!" "Question!"]

Mr. SPEAKER: The question before the House is, that the House do now adjourn.

Mr. C. ANSTEY was speaking to that question. Having regard to these facts, to the late hour of the day, to the importance of the Motion, to the thin state of these benches, and, above all, to the animus shown by those who had spoken on behalf of the Motion, on which the present Amendment had been moved, he felt it his duty not only to reject the Motion, but to obstruct it by every constitutional means in his power. If the Amendment should fail, he would tell the hon. Gentleman he should not carry his Motion by that time to-morrow.

The ATTORNEY GENERAL thought the hon. and learned Member for Youghal had attached undue importance to the return. He should think the persons pointed at in the return would be the last to sympathise, or to wish that support on their behalf. He had not the Act before him, but he thought they would find this was the case. By the 28th sect., the Jesuits in the country at the time when the Act passed were required to register within six months. That a great number registered was a notorious fact, from the returns moved for by the hon. Baronet the Member for the University of Oxford. The only remaining parts of the returns now moved for were the licences granted, and the number of persons prosecuted. Supposing the hon. Member for Dublin had given notice that he would ask my right hon. Friend the Secretary of State for the Home Department whether any had been registered since the last returns were made, and whether any licences had been granted, and whether any Jesuits had been prosecuted, my right hon. Friend would simply say, no. The House would have had the returns which were now asked for, and every species of information now required. When the hon. and learned Member for Youghal talked of the oath of supremacy, and said he used that word as applying to his religion, he would be pleased to remember that it applied to a doctrine which he would be the first to condemn—"that no prince excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by his subjects." As for prosecutions, the fact was, that Her Majesty's Attorney General alone could sue for the penalties; and, though he did not like to prophesy, he did not think Her Majesty's Attorney General would do so.

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 10; Noes 103: Majority 93.

Mr. M. O'CONNELL moved the adjournment of the debate.

Mr. KEOGH seconded the Motion, and complained that all the Members of the Government had voted, and one of them had spoken, in favour of granting the return.

The ATTORNEY GENERAL: I voted against the adjournment.

Mr. KEOGH knew very well that that was the technical question; but it could not be denied that the real question was, whether or no the returns should be granted. The object of the hon. Member for Dublin was, that he might display his own loyalty, in contrast to those who, it appeared, had not registered their names, and had thereby disobeyed the laws.

Sir G. GREY said, his offence amounted to this, that when, in the ordinary courtesy of discussion, the hon. Member for Dublin asked whether there would be any objection to granting the return, he said there was none. He was prepared to grant the returns; at the same time, he was not prepared to stay there all night; and, as he could give the hon. Gentleman all the information he wanted—that no licences had been granted since 1836, and that no persons had come forward to register—he hoped the hon. Gentleman would not press his Motion.

Mr. GROGAN said, that as that was all the information he wanted, he would withdraw the Motion.

Mr. C. ANSTEY said, he did not wish to screen any person who had violated the law. He hoped the hon. and learned Attorney General would transport a few Jesuits, and he wished him much joy of his success.

Motion and original Question, by leave, withdrawn.

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, February 14, 1851.

NEW BRUNSWICK AND CANADA PROJECTED RAILWAY.

Lord MONTEAGLE, in presenting a petition from Westmoreland, New Brunswick, praying for measures to facilitate the construction of a railway from Halifax to Quebec, adverted to the importance of establishing a direct, speedy, and secure communication by railway between Halifax, our naval head quarters in North America, and Quebec, the largest and most populous city in Canada, and the chief military station. The same line was evidently that which would be most advantageous for commercial purposes. The importance of the line both for commercial and military purposes had been recognised ever since the Government of Sir James Kempt; and the most distinguished of the British Governors, Lord Cathcart, Sir W. Colebrooke, Lord Falkland, and others, had expressed themselves favourable to it. Since public attention had been attracted to the subject in the Colonies, the colonists had expressed themselves ready to bear their full portion of the expense, on condition of being aided by a loan, which might easily be obtained readily, if secured by the financial resources of this country. Major Robinson and Captain Henderson, two officers of the Royal Engineers, who surveyed the line, and executed that difficult duty with signal energy, resolution, and ability, had declared its entire practicability. The Railway Commissioners, to whom the subject had been most inappropriately referred, reported their opinion that the undertaking was not likely to be a profitable speculation—this was probably true. The undertaking was to be regarded rather as a matter of Imperial policy than in any other point of view. Its unprofitableness for a time must be a conclusion which was not likely to be disputed. A line through a country of which great part was yet uncultivated could not be looked upon, in the first instance, as a remunerative money speculation; but, besides its importance in a military point of view, it would open a district in New Brunswick alone in which there were above 11,000,000 of ungranted acres. In addition was to be considered the development of the resources of Canada and Nova Scotia. If it were likely to be a profitable speculation at once, he should not be favourable to granting any public assistance; he was favourable to such assistance on the sole ground that this great colonial railroad was a matter of State policy, which would not be executed without the interposition of the public credit. Had the object of profit been alone looked to in such great national works, neither the Erie Canal, constructed under the auspices of De Witt Clinton, which had raised the assessed value of the property of the State of New York from 63,000,000*l.*, at which it stood in 1817, to 110,000,000*l.*, nor the Rideau Canal, nor the lakes and more important canals of the St. Lawrence in Canada, would ever have been undertaken. The colonists of the maritime provinces of British America complained justly of the neglect which their interests experienced at the hands of the mother country; and such was the state of depression in which they were retained in consequence, that the majority of emigrants from Britain proceeded directly to the United States, and even considerable numbers removed thither from our own colonies. Such was the case in the maritime States. But the case was different when, at the suggestion of Lord Sydenham, we had opened communications, and improved the navigation. He found that the population of Canada West had increased from 407,000 in 1839, to 717,000 in 1847; the acreage of occupied land had increased between the same periods from 5,100,000 acres to 6,400,000; the number of houses had increased from 25,000 to 42,000; the number of horned cattle had increased from 230,000 to 366,000; and the value of the assessed property in that province had augmented from 5,300,000*l.* to 8,500,000*l.* Far different was the state of New Brunswick and Nova Scotia. As compared with the territories of the United States, it was a melancholy and undeniable fact, that in all that related to the progress in wealth and in the physical well-being of the country, the United States of America were far ahead of anything that we had done, in our maritime provinces, and the condition of the people of the United States was a greatly advancing and improving one as compared with ours. There was no stronger proof of this than the fact he had already noticed, that the vast emigration which took place from this country, and the vast bulk of the British emigrants, preferred settling in the United States to fixing within our own colonial possessions. The reports of the Emigration Commissioners bore testimony to this, and showed that during the last ten years, while the emigration had risen to upwards of 1,300,000 persons, but 428,000 went to the British colonies, and 912,000 to the United States. Nor was this all; for, Canada being made in many instances the route to the United States, you must deduct from the 428,000 who appeared to have gone to Canada, the large portion who passed through Canada into the United States. Last year, more than two-thirds of our entire emigration went to the United States. Looking at the matter, simply on selfish grounds, it should be remembered that if our emigrants went to our own possessions, they must become better traders with us than if placed under the control of a Government jealous and suspicious, and whose interests might become hostile to our own. But at the present time there existed peculiar circumstances which made the matter one of more than ordinary importance. A communication between our two great military stations and the great Atlantic ports of transit or outlet, was an object of the greatest importance; and anything that his noble Friend (Earl Grey) could require of the Colonies to attain it, consistent with their financial capabilities, they were eager to grant. We did nothing to assist them. But whilst we were inactive, the United States Government were fully alive to the importance and profit of rapid communication; they were not indifferent, he said it in no offensive sense, to the importance of binding up Canadian commerce and Canadian intercourse in closer connexion with the interests of the United States. Two railway projects were on foot to unite the east and the west with an Atlantic port in the United States. The one would comprehend branches from Quebec to Montreal, and, passing through Richmond to the southward, the route would proceed by a line very shortly to be completed, terminating at Portland. Another line also was contemplated from Halifax to Truro, at the head of the bay, and then turning towards the States, it would encircle the coast, and would finally provide a line of railway from Halifax to Portland. Thus the whole of your communications were to be brought directly to the United States Atlantic ports, comprehending in the one direction Quebec and Montreal to the westward, and Halifax in the east. But what was the object of these schemes? To give to the United States just what it was most important for England to secure for herself—which was a line from Halifax, within our own British territory, and thus to afford facilities both for commercial communication and for the conveyance of troops. He did not say it would be expedient or just to throw the slightest difficulties in the way of communications wherever the colonists could procure them; but it could neither be wise, just, nor expedient, to refuse encouragement to lines essential to the well-being of our own dependencies, and which, at the same time, were important for our imperial interests. He should like to know what course his noble Friend contemplated on this great question? Whether the colonists were to be left simply to their own independent colonial exertions, or whether there should be a combined action between the Colonial Legislature and the Home Government? There were other communications beyond the papers on the table, and especially from Nova Scotia, which he should be glad if the noble Earl (Earl Grey) could lay before their Lordships. Mr. Howe, a most able public officer, from Nova Scotia, was bearer of official papers of great importance. Was that correspondence complete? If it were as yet in an imperfect state, he should be the last person in the world to press for any immediate production. But whilst Parliament was sitting and during the present Session, he thought it behoved them not only to do what they could to advance a great and important national object, but also to take care that no step was unadvisedly taken either by the Colonial Governments beyond the Atlantic, nor yet by the Home Government, that would stand in the way of completing the whole enterprise of a great object. He apologised to their Lordships for taking up so much of their time; but the occasion was a pressing one, and the petition having been placed in his hands for presentation, he felt that he would not have done his duty if he had not brought the question under their notice.

Lord STANLEY said, he was quite sure that no apology was necessary from his noble Friend, who had introduced, with great ability and clearness, a subject to their Lordships' notice, the importance of which he had in no degree overrated, and the importance of which he feared their Lordships had hitherto been disposed to underrate. This question was one that had long been under the consideration of parties who, from various circumstances, had been called upon to take an interest in colonial affairs ; but every day and every hour that elapsed, only added to the importance of the question itself, and to the necessity of coming to a speedy and practical conclusion concerning it. He was not one of those who underrated the importance to this country of Canada and the whole of our North American possessions; but important as was Canada and the whole of these possessions, comprising an area of surface not less than the whole of Europe put together, a large portion of which was well suited for the production of a hardy and healthy race of people—he thought, if it were possible to separate their interests or their political relations—which he believed it impossible to separate—he was not sure if he should not say that even beyond the preservation of a great part of Canada to us, which in his notion was an inferior point of view to regard the matter in, the possession of what were called the lower provinces of Nova Scotia and New Brunswick, from their geographical position and their naval and military capacities—from the resources they afford in time of war, and the advantages they are able to offer us in time of peace—he was not sure if he would not say that these lower provinces, infinitely less extensive as they were, were not of much greater importance to Great Britain than all our Canadian and other North American dependencies. But if there was any one point of view in which these colonies, or the great portion of the North American continent which still belonged to us was to be regarded as of importance, that point of view was the intimate connexion of all these provinces in one unbroken chain of communication, rendering their material and social intercourse as easy as possible and combining with that intercourse, as necessarily and naturally follows, their political connexion with each other and with this country. He held, therefore, that the establishment of a line of communication between Halifax and Quebec, for a distance of about 700 miles, through an exclusively British territory, rendering two points—and two points essential for the power of this country, which are now separated by a vast extent of wilderness on the one side, and by a difficult and, for a great portion of the year, frozen coast on the other—rendering their communication from being what they now are, most uncertain, most difficult, and most dilatory—rendering it rapid, easy, and constant—that, he said, was an object in itself of primary importance to the interests and to the imperial power of this country on the continent of America. But it was also a matter of incalculable importance that we should open to the teeming thousands and millions we were pouring out from this country, where they were unable to obtain a livelihood—that we should open to them a home in a healthy climate, and within a very limited distance from our own shores, which did not exceed a twelve days' passage by steam—and the rapidity of that passage was every day increasing—it was of the highest importance, whether we looked at it as affording a relief from our pauperism or an increase of our power in those regions—that we had eleven or twelve millions of acres of unoccupied lands, fertile and possessed of great mineral wealth, and which, at the same time, would be the means of extending our military power, and securing the permanence of our empire in America. This was no ordinary case of a railway project, where the question very properly might be, would the line pay or not? but it is a railway which, even in a pecuniary sense, he had sanguine expectations would pay, if they took into consideration not merely the traffic on the railway, but the adjuncts they would raise by the formation of it. But he said if it would not pay one shilling for the 100*l.* in a pecuniary point of view for the next ten years to come, the interposition of this country, not for the purpose of involving itself in an enormous and a needless expense, but for the purpose of aiding with its credit, if not by more than its credit, those who were anxious to the utmost of their power, and even beyond their power, not for a local, but for an imperial object, this was a subject well worthy of the consideration of the Imperial Parliament, and was not to be looked upon as a matter of pounds, shillings, and pence. It was exceedingly gratifying to hear from the noble Lord the result of a similar, and as he thought wise, advance, not of expenditure, but an advance of the credit of this country, for the purpose of encouraging the great line of canals and inland navigation in Canada. We advanced not sums of money, but guaranteed, on the security of the provincial revenues, a sum of money which the provinces had gladly and willingly paid. We guaranteed—and they obtained, far easier with our guarantee than they could otherwise have obtained it—the necessary capital to complete the works which had paid them over and over again; and we had not lost a single halfpenny, or been called upon to advance a single halfpenny out of this country; and we had seen what an immense spring of national prosperity had been produced from a wise and just policy of extending the credit of the country for the promotion of great colonial works. His noble Friend most truly said that in new countries we were not to consider the accomplishment or execution of such projects on the same principle as we would in an old and settled country. And the United States Government were aware of this fact. It might be very right here, when a railway was projected, to inquire what the traffic was, where it was to be established, and what amount of traffic might be calculated upon and would be obtained from the community that applied for the execution of such a work. It might be very right that the Postmaster in this country should refuse to establish a branch post office in any place, unless a certain number of letters were already in the process of being taken that would cover the necessary additional outlay. But in the case of a colonial railway the circumstances of the country were widely different. And perceiving this, the United States extended roads into deserts, where they knew that in the first instance they could not pay, and they established post offices, and forwarded mails at a very great expense to the Government; because they knew that these facilities, and the convenience of receiving the mails and letters would induce settlers, and tend to the occupation of the lands; and if we desired our own colonies to progress with equal rapidity, we must, if not from our purse, at least from our credit, and by the sanction of our authority, and by our influence, advice and assistance, enable them to undertake works which they were by themselves incapable of undertaking and of executing. Now, the work of a railway from Quebec to Halifax divided itself into three portions, passing through three separate provinces under the control of three different legislatures. The countries were in some respects different from each other; but in all these there prevailed a deep anxiety that the work should be done—all were ready to guarantee out of the public funds of their respective provinces the large outlay necessary for effecting the work. They also offered a donation of a very large amount of their waste lands, not only for the purpose of forming the railway, but of a space of ten miles on either side of the railway, to the amount, he thought, of five million acres of land. And what did they ask for? That they should have the countenance and support of the Home Government. He could not expect them to perform these works unassisted and unguaranteed. He would take the case of each of these colonies separately. The province of Nova Scotia had 130 miles of railway to execute. The population in some parts were exceedingly dense, and in others exceedingly scanty; and there was great mineral wealth in Nova Scotia. This railway would form either a portion of the trunk line leading subsequently through New Brunswick, and that way up to Quebec; or of the other line, which, whether he would or not, would certainly be formed, and it would run between Nova Scotia, Halifax, and Portland; and from Portland, through the United States, to Quebec. The Legislature of Nova Scotia had, undoubtedly, a double interest in the execution of this part of the line; and even if the work should never be carried farther, it was a matter of importance to Nova Scotia that she should be able to effect on the easiest terms that portion of the line which would certainly be formed by one country or the other. And for this reason the present communication, or the communication that would very shortly take place between Quebec and Halifax, do what we pleased, would be a line which, supposing you put Quebec in the place of Edinburgh, and Montreal in the place of Glasgow, would be like the Caledonian

Railway, passing east and west, and then south and west from Portland to the State of Maine. From Portland a line was contemplated, and was actually in progress, passing eastward along the coast as far as the United States territory went, and intersecting the boundaries of New Brunswick; and afterwards it would enter New Brunswick and proceed to its termination. But the Legislature of Nova Scotia, very much, as he thought, to the credit of their prudence, their good sense, and their loyalty, had determined that the line, which would be completed in some way or other, should, if possible, not be completed by a body of foreign capitalists; and they had resolved to retain in their own hands the command of a line which ran through their own territory, and when they retained it in their own hands they retained it in the hands of a British province, unimpeachable in its loyalty under all circumstances, and having within itself the great port of Halifax, the very key of our North American possessions as a whole. But they said it was true they could afford to pledge their surplus revenues, which were sufficient to enable them to execute the work; and they were prepared to execute it, and should execute it at their own expense and at their own risk, confident that, so far as it was concerned, the work would ultimately pay, if only by the communication with the United States. But they came and said the work would cost 800,000*l.*, and their surplus revenue was between 40,000*l.* and 50,000*l.* a year, their whole revenue being about 80,000*l.* a year. The work would, therefore, take ten years income of the entire revenues of the province. But the colonists said it was a different thing whether they should borrow the amount of ten years revenue at five per cent, as they could by their own debentures, or whether they borrowed at three and a half per cent, as they might with the sanction of the Government and the local legislature. They would show an actual surplus revenue, and offer as the first charge on it to the amount of 40,000*l.* a year, capable and certain to obtain a large increase; and if we were not satisfied with that security, not for granting the money, but for lending the use of our name, they would be ready that the waste lands of the colony should be given as a farther security to any amount that the Secretary of State for the Colonies might choose to demand. So far with regard to Nova Scotia. Then, as to New Brunswick. Here the surplus revenue was not so large. The line was of a considerable extent, and passed for the most part through a very rich country with a fine climate, though somewhat rigorous, and it was well timbered, and abounded in mineral wealth. The Legislature was able to offer us, in addition to their surplus revenue, any amount we chose of their 11,000,000 acres of unoccupied and fertile lands in pledge as security for the repayment of the advances. The whole of this country was open to British settlement if this line of communication was formed; but the whole of the country would be closed to British settlement if we refused to open that line of communication, or rather, if we refused to give our aid and our guarantee to the province to enable it to undertake a work which was not more important to us than it was to them. Now, he felt that to grant our aid was a wise, a sound, and even an economical course in the end, even though, in the first instance, it would involve an outlay; and sure he was that it would confer immense benefits on the colony, and bestow incalculable advantages on this country itself, and confirm its territorial power in North America. Now, there were various ways in which the Colonial Secretary of this country might aid in the accomplishment of this project. He might, as in the case of Nova Scotia, offer the guarantee of the Government of England for the sum to be raised on the security of the surplus revenue and unoccupied lands of the provinces; or he might adopt another plan, which would be approved by all the other colonies. The colonies had offered to grant ten miles of land on either side of the line to any company that would make it, and also to grant the company the amount, between the several provinces, of 60,000*l.* a year for a term of years to come, to cover any deficiency which might arise between the earnings of the line and 4 per cent interest on the outlay of any capital which might be expended in the execution of the project; but if any further security was wanted by any company, or by the Government entering into the guarantee to meet the case, of the proceeds falling short of the 4 per cent, the provinces were ready to pledge their unoccupied lands to the required extent. With these securities from the colonies, if the Government would give its guarantee, he thought capitalists would be found in this country perfectly willing to undertake the execution of either line, or any portion of it, if that course were preferred by the Government here. Another course that might be pursued, which, however, he was not recommending, but which he thought the colonies would also agree to, was this; that the Government should themselves undertake the performance of the whole enterprise, taking as their security for repayment such portions of the waste lands as they thought necessary, and also, of course, taking the profits of the undertaking, whatever they might be, in repayment. He would not say that he recommended either of these courses; but it was important that the colonies should know without delay what the Government intended to do, and to what they might have to look. At present this was the position of affairs in Nova Scotia. With regard to its line an Act had been passed, and it was actually negotiating for the money, for executing their portion at the expense of the province. New Brunswick was guaranteeing its waste lands, and a certain sum to any company that would undertake to execute its line. The Legislature of Canada had actually passed a Bill, incorporating a company, which company was vainly seeking now to raise capital for completing the work. But every one of these separate projects might separately be accomplished, or the whole might be accomplished together, if the Government of this country would step forward and say it would lend its sanction and name. He did not blame the noble Earl (Earl Grey) for being cautious; he did not blame him for watching narrowly and carefully the expenditure that would be requisite for carrying on these projects; but he believed that in cases demanding a prompt and decisive course of action, even a heavy outlay might prove in the end the best economy, and lead ultimately to the most beneficial results. And if the noble Earl would only say which course he should be prepared to take, and if the Government would give any sanction and assistance for the execution of what these colonies could not accomplish unassisted, although he believed a comparatively small aid on the part of the Government, or its liberal guarantee for the capital required, on account of which guarantee they would never be called upon to pay a single shilling, such an amount of assistance from the Government, he firmly believed, would enable this great work to be carried to a successful completion; and equally certain he was that unless our Government and our Parliament did interfere, these advantages would be indefinitely postponed — the communication between two most important points would be permanently cut off—the stream of emigration would continue to be directed, as it was now directed, from this country and Ireland, not to our own colonies, but to the territories of the United States — the communication between Halifax and Quebec would ultimately be through the United States, be wholly dependent upon them, and liable at any moment to be cut off in the case of hostilities; while the United States would be enabled to reap all the advantages of the transit in times of peace. Now, we had the option whether we should give to the United States these great advantages, and at the same time deprive the colonies of this country of the opportunity of receiving a useful and most valuable population settling in our own colonies, and by their emigration relieving the overburdened mother country of its surplus labour; or whether we would, by a prompt and liberal course of action, which would ultimately cost us nothing, enable our dependencies to complete that which would cement a closer union between our North American possessions, and teach them to feel that they were regarded by the Imperial Government and Parliament as an integral portion of the empire. The course was open, either for great good, or for great evil, for in this case great evil might result from a refusal of the prayer of the petition, both in specific loss, and in its effects upon the minds of the colonists. He trusted that there would be no waste or lavish expenditure, but that it would be seen that in that case prompt and energetic action was the one best suited to the interests and honour of this country, and also to the honour, though that was an inferior consideration, of Her Majesty's Government.

EARL GREY did not think it desirable upon that occasion to say more than a few words. He only wished to express his sense of the great importance of the subject which had been brought under their Lordships' consideration. It was one which had occupied for a long time past, and which still occupied, the attention of the Government; and he thought the object was one well deserving of very great efforts on the part of this country, if means effecting it really feasible could be found. He need not then state what the various difficulties were which stood in the way, but he wished to confine himself to the remark, that the question was still under the consideration of Her Majesty's Government. There was at present in this country a gentleman of very great ability, who occupied a high situation in the Government of Nova Scotia, and who had been deputed to this country for the purpose of representing the views of the Government of Nova Scotia to Her Majesty's Government. He (Earl Grey) had had much valuable assistance from the information which that gentleman had afforded, and his suggestions were still before the Government, and would not fail to receive a very early answer. In the meantime, and before the question was decided, he (Earl Grey) had informed his noble Friend that there were no papers which he could with convenience lay on the table of the House; but there were papers which could be submitted to their Lordships before the end of the Session. He could not help adding that he thought some of the statements which had been made respecting New Brunswick were unjust. There were considerations which accounted for the comparatively slow progress of that portion of our North American possessions. He trusted that those causes were in course of being removed, and that, availing itself of its great natural advantages, it would enter upon a career of improvement which, he fully admitted, it ought to have commenced before. But with regard to Canada, within the last ten years, and especially within the last half of that period, its advance in prosperity, in education, and improvements of every description, had been more rapid than that of any part of the United States. Much of that prosperity was doubtless owing to the great public works which were undertaken on the recommendation of Lord Sydenham to the Government of Lord Melbourne. Those works had contributed greatly to the prosperity of Canada, and would do so still more hereafter, because it was only in a comparatively short space of time, and more especially since the repeal of the navigation laws, two Sessions ago, that those advances had principally been made. The repeal of the navigation laws had produced a revolution in the commerce of North America which he believed few persons were yet competent to understand; and he looked forward to the future with a confident hope that commerce would be developed from those colonies to a very great extent.

Lord STANLEY said, that as the noble Earl had alluded to the repeal of the navigation laws, as having contributed to the prosperity of Canada, perhaps he would have no objection to lay on the table an account of the number of British and foreign vessels that had entered the port of Quebec for the two years preceding and the two years subsequent to the repeal of the navigation laws?

Earl GREY replied, that there could not be the slightest objection to the noble Lord's request. But he dissented from the opinion that the effect of that change was to be measured by the number of foreign vessels in the port of Quebec. He thought that everybody admitted that in regard to Canada the effect of the repeal of the navigation laws had been advantageous; and he must also observe that two years would not be by any means enough, because in the year 1847 the navigation laws had been suspended; and there was also a most unusual demand for corn in that year, which must have swelled the number of foreign vessels in the port of Quebec.

Petition read, and ordered to lie on the table.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 14, 1851.

Minutes.] Public Bills.—1ª Salmon Brood (Ireland); Highways (South Wales); Ecclesiastical Titles Assumption; Prerogative Court (Ireland).

CEYLON.

Mr. FRENCH begged to ask the hon. Gentleman the Secretary for the Colonies why the letter of the Rev. Mr. Glenny to Sir Emerson Tennent, dated 13th of June, had not been printed with the correspondence respecting Ceylon, lately delivered to Members; whether it was still in the possession of the Colonial Office; and if he had any objection to lay it or its contents on the table of the House?

Mr. HAWES said, he was afraid that his answer would be hardly intelligible unless he went into some explanation with respect to the facts of the case. During the inquiry of the Ceylon Committee, there was a confidential letter produced and read to them by Sir Emerson Tennent, with which he had been furnished by the Archdeacon of Colombo. It was doubted whether Sir Emerson Tennent had a proper authority to make use of that letter. It appeared that he had been permitted to make use of it "in Downing-street" (that was the phrase), but no further authority was given. Some reproach having been cast upon Sir Emerson Tennent in a public journal or periodical, for having produced and read the letter under these circumstances, he thought it necessary to write a letter to the noble Earl the Secretary of State for the Colonies, vindicating his use of that letter; and this letter was accompanied by one from the Rev. Mr. Glenny, stating that he thought that Sir Emerson Tennent was justified in having made the use which he had of the letter of the Archdeacon of Colombo. That was the correspondence to which his hon. Friend referred, and that correspondence Earl Grey declined to receive and publish on this ground, that until the Archdeacon of Colombo, the party really interested, had had an opportunity of making his own explanations, it would not be just and right to continue a controversy about a private letter; and therefore, when the letter of Mr. Glenny was sent to Earl Grey, his Lordship directed him (Mr. Hawes) to return an answer to Sir Emerson Tennent to the following effect:—

> "I am to acquaint you in reply that Earl Grey cannot consent to receive a statement of this kind, as to what passed between Mr. Glenny and the Archdeacon relative to a private letter written by the latter, when the Archdeacon has not had an opportunity of being previously acquainted with that statement."

Under these circumstances the letter was not in the possession of the Colonial Office, and could not be produced. And he thought that it would be very unfair to carry on a controversy about the production of a private letter, when its author had not had an opportunity of making an explanation with reference to the facts of the case.

LIMERICK WORKHOUSE.

MR. POULETT SCROPE wished to ask the right hon. Baronet the Secretary for Ireland whether it was true, as stated in the local journals, that the number of inmates in the Limerick workhouse exceeded the limits allowed by the sealed order of the Poor Law Commissioners by 775; and if so, whether the Commissioners had taken any steps thereupon?

SIR W. SOMERVILLE said, that it was quite true that the pressure on the Limerick workhouse had been very great for some time past. The Commissioners had not failed to call the attention of the board of guardians to that state of things, in order to induce them, as far as was in their power, to meet it. He found that on the 23rd of November last there was an excess of 160 inmates in the workhouse, and that that excess had risen by the 28th of December to 610. In consequence of the additional accommodation that was then provided by the board of guardians on the 4th of January, the excess of inmates had been reduced to 124. It was quite true, as had been stated by the hon. Member for Stroud, that at one period, on the 1st of February, the excess of the number of inmates over the accommodation was 775; but then again, in consequence of the fresh accommodation which was provided, it appeared, according to the last report which had reached him, that the excess of the inmates, as compared with the accommodation, had been reduced to 507. It must also be remembered that although the excess in the number of the inmates in the Limerick workhouse was very large, the workhouse accommodation in that union was enormous; at the time that the excess was 507, the number of inmates was upwards of 7,000. He believed that the sanitary condition of the union was perfectly satisfactory, and according to the last reports, the medical officer was quite satisfied with the arrangements for the convenience of the inmates. Fresh accommodation was being provided, and he had no doubt that very soon, perhaps even at the present time, there would be an excess of accommodation as compared with the number of people in the workhouse. The Commissioners had directed their attention particularly to the state of this union. Mr. Lynch, who had had the charge of this union, and also of several other unions, had been directed to confine his attention exclusively to the charge of the Limerick union. The guardians had shown every disposition to take such steps as were in their power to meet the pressure; and he had no doubt that perhaps by this time, and at all events very soon, there would be an excess of accommodation compared with the number of people.

SUGAR DUTIES—BELGIUM.

MR. P. MILES wished to put a question to the right hon. Gentleman the President of the Board of Trade, of which he had given him notice. Before doing so, it was necessary he should state the fact that a carge of sugar was imported from the Havannah into Bristol, in a Belgian vessel, in December last, on which the regular duty of 17*s.* per cwt. was paid, and there was no objection to that. Subsequently a charge was made by the authorities in London; a surcharge of 20 per cent was claimed under an Order in Council, which issued under an order passed in 1826, which Act was repealed by the late Navigation Act; but though the Navigation Act gave the power to the Government to issue an Order in Council for the establishment of reciprocal duties between different Governments, no Order in Council had been issued. He first wished to ask the right hon. Gentleman whether he intends to issue such an Order in Council, and whether there is any other nation besides Belgium with respect to which this sort of thing could happen? He also wished to ask the right hon. Gentleman whether any information had reached the Government of the reduction of duty on refined sugar in Belgium, to the amount of 3*s.* 6*d.* a cwt.?

MR. LABOUCHERE: By the terms of an Order in Council, dated January 30, 1826, all goods imported into the united kingdom in Belgian vessels are subject to an additional duty of 20 per cent. This additional duty is only levied in the case of Belgium. It originally applied to the whole of the Netherlands. After the separation of Holland and Belgium, Holland concluded a commercial treaty with us (in October, 1837), and an Order in Council was issued in December, 1837, to relieve Dutch vessels from the additional duty. No convention having been entered into with Belgium, the extra duty still remains in force against her. Negotiations are now in progress with Belgium, and we have offered to repeal this duty if a satisfactory arrangement can be made. With respect to the second question, Her Majesty's Government have received a despatch from Lord Howard de Walden, Her Majesty's Minister at Brussels, dated Jan. 27, 1851, of which the following is an extract:—

> "The Government has decided to reduce the drawback allowed on the export of refined sugar from 63f. to 59f. 75c. per 100 kilogrammes, thus reducing the bounty now standing at about 3*s.* 4*d.* by about 1*s.* 4*d.* per cwt."

PAPAL AGGRESSION — ECCLESIASTICAL TITLES — ADJOURNED DEBATE (FOURTH NIGHT).

Order read for resuming Adjourned Debate [7th February], Debate *resumed.*

MR. FAGAN regretted it was not his fortune to have addressed the House earlier in the debate. He felt he laboured under several disadvantages in consequence. The subject was exhausted, and the House was wearied by the protracted discussion. Had he had the good fortune to speak before the division of last evening, he should have been sustained by the support and encouragement of his hon. Friends near him, from whom on that occasion he was most reluctantly compelled to separate himself, from a sense of public duty, in maintenance of the political principles of his whole life, and in resistance to a scheme of financial policy which he conscientiously believed to be destructive to the best interests not only of this country but of Ireland. But though he may not be so sustained, he should address himself to the subject to the best of his ability, consoled with the hope that they may succeed in taking the sting and venom out of the measure, rather than commit it to a new Parliament summoned in the state of religious excitement in that country, and before the new Irish franchises came into maturity. And though his constituents, in common with the rest of Ireland, were indignant at the conduct of the Government, he had no doubt they would appreciate the motives which influenced him, and admit that, under the present circumstances of this country, he had adopted the best and most prudent course. In addressing himself to the subject under debate, he felt the necessity of placing the Catholic view of it more prominently before the House. It is curious on a question so vitally, and according to the Attorney General's exposition of the Bill, so fearfully affecting the Catholic religion, to observe the course of the debate, and bear in mind the sentiments expressed by the Members who had spoken. Up to Wednesday but three Catholics had addressed the House. The question was discussed by Protestants of the Established Church, and by Dissenters, after their own fashion. There was the hon. Member for Manchester (Mr. Bright), one of the Society of Friends. He with great power and eloquence attacked the Church Establishment, and at the same time mildly hinted at the errors of the religion of two hundred millions of his fellow-beings. There was the hon. Member for Sheffield (Mr. Roebuck), an Episcopalian, who eloquently and with characteristic vigour opposed the measure of the Government, and yet expressed his surprise how any one could be a

Catholic, or bow before a priest. Then there was the noble Lord (Lord Ashley), a Low Churchman, who spoke of purifying his own Church, while he was denouncing the supposed corruptions of the Catholic; and the Member for Oxford (Mr. Page Wood), who maintained his High Church views, while he enlarged on doctrines of the Catholics which had no existence. Then some Irish, English, and Scotch Members, of the Protestant faith, fought the battle of religious liberty for their Catholic fellow-subjects as they would have done before emancipation; but, until Wednesday, the Catholics themselves were scarcely heard, or at least the Catholic view of the subject fairly put before the House. This the Member for Carlisle (Mr. P. Howard) had effected with great success. In that line of argument he (Mr. Fagan) would follow, and endeavour to elucidate some points not touched on by that hon. Member. He claimed, therefore, as a Catholic, and the representative of a large Catholic constituency, the indulgence of the House, while he stated the reasons why he resisted the introduction of the Bill under discussion, and why he should give it in all its future stages the most strenuous opposition. Not having read one of the hundred and fifty pamphlets on the Papal question, he should not press any but his own views on the House, and should not weary them with arguments with which they were made familiar by these publications. The noble Lord (Lord J. Russell) had based his measure, in the first instance, on the case of Ireland. He (Mr. Fagan) would reverse that arrangement, and commence with England, and then go to the case of Ireland; and he would, as the topics arose, comment on the speeches of those who preceded him. Notwithstanding the opening statement of the noble Lord, and his speech on Wednesday, notwithstanding the strong language used by the Secretary of State (Sir G. Grey), and the indignant denunciation of Papal aggression by the Members for Oxford and Bath, the question at issue, in his opinion, still was this —Was there, or was there not, cause given by the Roman Catholics for the course adopted by the Government—for the language used not only in his celebrated letter, but also in the three speeches lately delivered to that House by the head of that Government? Was there, or was there not, cause given for that retrogression by that great party who hitherto professed to be advocates for civil and religious liberty, which it was admitted by the noble Lord had taken place? Was there cause given for that indignation and excitement amongst a large portion of the English people, which had been so studiously kept alive for the last three months? In point of fact, was there, as the noble Lord stated, any assumption of territorial sovereignty — any infringement on the prerogatives of the Crown—any interference with the privileges of the Established Church—and, above all, was there given, or intended to be given, any insult to our gracious Queen? If there had been, though a Roman Catholic, he, for one, would not be surprised at the course adopted by the Government, or at the language used, or the sentiments expressed by the noble Lord and this great Protestant country. He knew well the opinion of the noble Lord and of the majority of that House concerning the Catholic religion. They believed that the doctrines of that religion tended "to confine the intellect and enslave the soul," and that its ceremonies were but the "mummeries of superstition." He did not wonder at these prejudices being entertained by even educated men. For the last three hundred years almost every work in modern literature which issued from the press of this country for the instruction of the rising youth, and used in the universities, the colleges, the boarding schools—every work on history, biography, political literature, and belles lettres — to say nothing of polemics—teemed with the most false and calumnious imputations against the principles—moral, religious, and political—of the Roman Catholics. He could not wonder then at these prejudices existing in the minds of educated men, and so existing, he could not be surprised if an aggression on this country had really been attempted by this hateful religion, that every effort was made to resist it; and that having a blow aimed at his head, the noble Lord should retrograde, in order to put himself in the attitude of self-defence. But his (Mr. Fagan's) position was, that there was no cause given—no assumption of territorial sovereignty—no infringement of the prerogative of the Crown—no interference with the Established Church—and no insult given or intended to be given to our gracious Sovereign. If it be true that in this country there is still religious liberty—if the full exercise of religious opinion is allowed—if every sect, no matter how numerically small, is permitted to develop fully and properly whatever ecclesiastical government it seems fitting for the spiritual welfare of its community, it surely will not be contended that the Roman Catholics, who are one-third of Her Majesty's subjects in the united kingdom, are not to maintain and practise the tenets of their religion? On the assumption that liberty of conscience is permitted to Roman Catholics, his whole argument will be based. But before he entered on that, let him observe, on the charge of pomp and parade, in the mode with which the change in the ecclesiastical government of the Roman Catholics was effected, and the language in which the documents were couched. If there were the appearance of pomp and parade, it was attributable to the publication of these documents, and not to Cardinal Wiseman or to any Roman Catholic. These documents, namely, the apostolic letter and the pastoral address, were solely addressed to the Roman Catholics, to be read at their altars, and not to be published in newspapers. This publication was designed to rouse the people of this country against the Roman Catholics, and hence the parade and ostentation which occurred. Indeed, so determined was the public press there should be ostentation, that in a case where a copy of a pastoral of Cardinal Wiseman's was refused, the reporter attended the Catholic place of worship, in order, *nolens volens*, to take it in shorthand. Cardinal Wiseman is not, then, fairly liable to the charge of parade and ostentation. Again, the pomposity of the documents is insisted on; and the noble Lord, amidst loud cheers the other evening, drew a contrast between Cardinal Wiseman's proclamation, stating that "he governed, and would continue to govern, Middlesex, Hereford, and Essex," and the ordinary proclamation of "Victoria, by the grace of God, Queen." But the noble Lord suppressed a material part of the pastoral in which the passage occurs. It runs thus:—

> "So that, at present, and till such time as the Holy See shall think fit otherwise to provide, we govern, and shall continue to govern, the counties of Middlesex, Hertford, and Essex, as Ordinary thereof, and those of Surrey, &c., as Administrator, with ordinary jurisdiction."

Now, let him read to the House a passage from a letter which appeared in the *Morning Chronicle* of last Wednesday, and which he happened to know came from the highest authority on these points. The writer says, speaking of the word "Ordinary," which the noble Lord omitted—

> "The words which I put in capitals his Lordship carefully suppressed. I presume his Lordship knew that 'Ordinary' means 'Bishop;' and I therefore put it to any one of common fairness, and not overheated by any excitement, whether to say that one 'governs as a bishop' is an assertion of sovereignty, and entitles the ecclesiastic who employs the term to the elegant appellation of a 'pseudo-king?' I believe the term 'Ordinary' is perfectly English, for it has been frequently used by Anglican prelates of late; but with Catholics the term is peculiarly apposite, as it expresses a bishop who is not a vicar-apostolic."

Having thus disposed of the parade, ostentation, and pretence of sovereignty, he would come to another accusation made by the noble Lord, namely, that—

> "According to the letter of the documents, and the known law of Rome, a pretension is asserted that all baptised persons should submit to the foreign dominion of Rome."

Now, in reply, he would say that neither in the documents nor in the law of Rome was there any such pretension. He had no hesitation to state what the doctrine of the Catholic Church was in that respect. It was this: the Catholic Church holds there is but one baptism, and that the sacrament of baptism administered by even a layman, of any religion, is good and valid. The Church Established maintains that no baptism outside its fold is good. Now, in consequence of the doctrine of the Catholic Church, it of necessity considers all persons baptised as belonging to the Catholic faith until they arrived at the use of reason, and when they were supposed to select their faith. After which, of course, the Catholic Church had no claim whatever on them; and, he must say, it was a far more liberal and generous doctrine than that of the Established Church, which held that there was no regeneration without baptism in their own Church. But that there was any pretension that "all baptised persons should submit to the foreign dominion of Rome" was altogether a mistake on the part of the noble Lord. The doctrine of the Catholic Church on this point may be illustrated thus: If a person of British parents is born in a foreign country, that person is, *ipso facto*, a British subject; but he is not subject to the laws of England, nor does he owe allegiance to the Sovereign if, from his birth, he continues in that foreign country. It is only when he returns and becomes domiciled in England — as in the case of Cardinal Wiseman himself—that he comes under the responsibilities of a subject. So it is as regards all baptised persons. It is only when they actually become Catholics that they are at all subject to the spiritual dominion of Rome. But, in truth, whether there was parade or ostentation or not—whether there was a pretension or not that all baptised persons should be subject to the dominion of Rome, was beside the question. The whole matter in controversy turned upon two other tenets of the Catholic religion; and if the maintenance of these tenets are sanctioned by the laws of the land, on the principle of religious liberty, then there is an end of the controversy—no matter whether these tenets are founded on truth or not—for, in that House composed of men of all religious opinions, it would be exceedingly bad taste to discuss that point. Now the first of these two tenets is, that the Pope, as the successor of St. Peter in the See of Rome is, by Divine institution, head of the Catholic Church, and as such has the right of episcopal institution — of conferring jurisdiction — of appointing directly or indirectly, to vacant bishoprics, or creating new sees, whenever they are made necessary by the requirements of religion in any quarter of the globe—whether it be England, Ireland, France, Russia, Prussia, or America. And here he would remark on two mistakes made by the noble Lord on this subject in his opening statement. He appeared to think, that there was something like a usurpation on the part of the Holy See, in appointing Dr. Cullen to the Catholic archdiocese of Armagh, and in passing over the persons recommended, or, as he stated, "elected" by the parish priests of that diocese. Now, in point of fact, the clergy have simply the power of recommending three persons as worthy—more worthy—and most worthy; and in practice, the person of the three, who is in addition, recommended by the bishops of the province, is instituted into the diocese by the Holy See. This practice was adopted in 1829. In sustentation of his statement, he would read the concluding passage of the rescript of Gregory the Sixteenth on this subject. It runs thus:—

> "These are the rules prescribed by the Sacred Congregation to be followed in recommending to the Apostolic See priests to be elected bishops. In thus decreeing it has wished to make known to all, that, in the documents relative to this matter which are forwarded to the Holy See, there shall be nothing contained which intimates election, postulation, nomination, or anything beyond simple recommendation."

It ordered also that the aforenamed document must be drawn up in a form of petition, that it may appear that the Holy See is under no obligation of electing one of the recommended:—

> "Finally, the Sacred Congregation declared, that the freedom of the Holy See, in selecting bishops, must ever remain safe and inviolate; so that the recommendations are intended to give light and knowledge to, and not to impose obligation on, the Sacred Congregation."

He would offer no opinion—it would be unbecoming of him to do so, either in condemnation or approval of the conduct of the Holy See on that occasion. At the same time, it was but justice to say, that the eminent divines who were recommended by the parish priests and bishops, were in every respect unexceptionable. It was sufficient for him to show, that according to the tenets of the Catholic faith, the power of institution resides with the Pope. This, no person being a Catholic can deny. Again, on the same subject, the noble Lord is under a mistake, when he says, that in no other country in Europe, would the Pope dare to have committed the act he has lately done in that country. Now, the noble Lord forgot that with the countries he named, there exist concordats—that is, agreements on the part of the Pope, giving up, for the welfare of the national branch of the Church over which he presides, a portion of his rights as its head. For instance, in the despotic empire of Russia, to prevent the extirpation of the religion altogether, he accepts the recommendation of the Emperor, and in practice, without acknowledging his right of recommendation, he acts on it. With Prussia, too, there is a concordat. Every one knows how necessary that was for the Catholic religion in Prussia. Every one knows how the late King of Prussia acted in respect of the established religion of the State, namely, Lutheranism. By a single decree he altered the religion *in toto* of the State—and ordered his Lutheran subjects to change their opinions, and his orders were obeyed. So it would have been with the Catholic religion, but for the concordat. So, likewise, was it with France. The Gallican liberties of that country were secured by two celebrated concordats: one entered into, in the reign Francis the First—the other in the time of Napoleon. And it should be recollected, that in these countries the Catholic Church was endowed. The Archbishop of Cologne, for instance, has 4,000*l.* a year. But the noble Lord repudiates all concordats; and he (Mr. Fagan) was delighted he had done so. He was no advocate for the veto, and he hoped no Minister would ever succeed in obtaining it. The noble Lord did what he accused the Pope of doing towards the Protestants of England. He entirely ignored his Holiness. He acknowledged him merely as the "Sovereign of the Roman States." He, or rather the law, requires if any diplomatic relations be established, that a layman should be sent here as his Holiness's representative, to prevent any mistake about his being recognised in his spiritual capacity. What course, then, had the Pope open to him, if he deemed it necessary for the spiritual welfare of English Catholics, that the normal system of ecclesiastical government should be established amongst them, but to act without reference to a Government that ignored his existence as spiritual Pontiff? or how could he make allusion to the Protestants of these countries with whom he had nothing to say? Whatever could be done consistently with what was due to his own dignity, was done. The law of the land was adhered too, and the suggestions of Dr. Ullathorne disregarded; and the attention of Lord Minto was directed to the document. Well then, to pass to the subject, the Pope as spiritual head of the Catholic Church has, however, according to its tenets, to give episcopal jurisdiction and institution in this country; but it is not as a temporal prince. Outside of his own dominions he has no temporal power. Dr. Doyle, in his evidence before a Committee of that House in 1825, in answer to the following question—"Is the claim that some Popes set up to temporal authority opposed to Scripture and tradition?" answers—"In my opinion it is opposed to both." Archbishop Curtis also says—"We owe him no other but spiritual authority, exercised according to the canons of the Church." Such was the opinion of two most eminent divines of the Catholic Church, and such was the opinion of all Catholics. There was no such distinction as that drawn by the Member for Youghal (Mr. Anstey), between Catholics of the Court of Rome, and Catholics of the Church of Rome. The doctrines of the Catholic faith were inflexible, and held by all, and it was no part of their religion to be temporal adherents of the Court of Rome. They believed that religion would have been on the whole benefited if the Popes had had nothing to do with temporal power, and had confined themselves strictly to the exercise of their spiritual authority. Whenever they made that authority or influence subservient to temporal aggrandisement, or used it for personal or family purposes, as was done by Alexander VI., then religion suffered. But it was a just matter of pride to know that out of the 260 Popes who filled the Chair of St. Peter, the veriest enemy of Catholicity could not point to more than twenty, or at most thirty, who had by such practices disgraced the religion they professed. Gregory VII., and Innocent III., though their names are in this country used as bugbears to keep up the delusion against the Catholic religion, are examples of what value was the spiritual influence of the Popes, when separated from temporal ambition, to religion, and to human liberty and progress. It was the spiritual power exercised by these eminent men that checked despotism in those days, that stood between the people and their oppressors—that curbed the licentiousness of the nobles and barons, put an end to their simoniacal practices, and prevented their converting the revenues of the Church to their own vile purposes. In behalf of liberty and order — when there existed neither police, nor a press, nor a standing army—the Catholic clergy were foremost. But though he repudiated the temporal authority of the Pope, he held, with the Foreign Secretary of State, that he should be an independent Prince, and not under the control, nor subject to the temporal authority of any other Power. The tenet of the Catholic Church, that the Pope is its spiritual head apart and distinct from his temporal sovereignty, is that on which is based his right of spiritual influence over Catholics in all parts of the globe, in England, Ireland, France, Prussia, Russia, and in America; where he has erected bishoprics and established a hierarchy precisely as he has done in England. The exercise of this tenet is admitted by the law of the land; it is recognised by the leading statesmen of the day, particularly by the noble Lord at the head of the Government; and it is maintained by the Roman Catholics without any the slightest infringement of their allegiance. It was an old charge oft repeated in former days, that their allegiance was divided. It has been repeated in that debate. Now, it was no more a divided allegiance than was that of the 2,000 clergymen of the Established

Church, with the Bishop of Exeter at their head, who denied the Queen's spiritual supremacy in matters of faith and doctrine. The Roman Catholics did no more. The other tenet of the Catholic Church in connexion with the question before the House was, that the episcopal hierarchy was a divine institution. The hierarchy was of two kinds: the hierarchy of order, consisting of bishops, priests, and ministers; and the hierarchy of jurisdiction, of which the Pope, as successor of St. Peter, was the head, then the patriarchs, the primates, metropolitans, archbishops, and bishops. Now, the normal manner in which this divine institution was established is, by having the jurisdiction reside in the bishop of the see to which he was appointed, and of which he held the territorial title, as in the case of St. James the Apostle, who was Bishop of Jerusalem, and had jurisdiction over it, and enjoyed the territorial title of that see; as also in the case of St. Peter, who was first Bishop of Antioch, and afterwards Bishop of Rome, and without any imperial authority. Any other mode of establishing the hierarchy of the Church was clearly temporary and abnormal. It was so with the vicars-apostolic system in England. It was manifestly inconsistent that the Bishop of Rome should be also Bishop of England, governing the Catholics there spiritually by delegation; and nothing but the state of persecution in which the Catholics lived for the last 300 years would have justified its continuance. That was his answer to the question—"If it is a tenet of the Catholic religion, that a regularly constituted hierarchy should be established, why have the Catholics of England remained so long without it?" He answered, persecution caused it. For the last 300 years the Catholics of that country were anxious to obtain the restoration of their hierarchy. In the reign of Elizabeth, they petitioned the Pope for it. They were refused, because there were then strong hopes entertained that Elizabeth, who only ceased to be a Catholic because Catholic doctrine impugned her legitimacy, would yet come back into the faith she had abandoned. That hope was vain, and instead of even toleration there was persecution of a most fearful kind; and, during her reign, over 100 priests were hanged and quartered, because they had discharged in private their religious functions. Under such circumstances, it would be worse than useless—it would be dangerous—to restore the hierarchy. So it was, likewise, in the reign of James the First, particularly after the explosion of the Gunpowder Plot, though with that plot the Catholics, as a body, had nothing whatever to do. In the reign of Charles the First, it was equally useless to establish a Catholic hierarchy, during a period when the Puritans were in the ascendant. In Charles the Second's time, when the prejudices against Catholics, as developed by the Titus Oates Conspiracy, was as strong as it is now in the nineteenth century, the Catholics were scarcely permitted to breathe. The moment toleration was allowed them in James the Second's time, the Catholics at once petitioned for the restoration of their hierarchy; and, at his request, they stated to the King the reasons why they sought the change; and they described clearly the distinction between a regular hierarchy and a vicariate-apostolic. So desirous, on religious grounds, were the Catholics for their ecclesiastical government in England, that their petition would have been then granted, but for the political changes which shortly afterwards took place. In the following reigns, up to George the Third, the very evidence of Roman Catholics was ignored by the law; and they could only practise their religion in secret, and the clergy chiefly discharged their functions in private houses. During that long period, it was idle to attempt the establishment of any thing like a regular church government. But it may be asked, if the Catholics so ardently desired the restoration of the hierarchy, why is it, when toleration was first allowed their religion in George the Third's reign, they did not seek for it? The answer is simple: the Catholics were then extremely few, and scattered thinly over the country. They were generally extremely poor, moreover. They could not maintain, by the voluntary system, a secular clergy. Under the vicariate or missionary system, the regular clergy had the same faculties as the secular — under a hierarchy duly constituted they had no parochial or secular faculties except by permission of the diocesan. The regular clergy were numerous, and had means of support from their convents and from endowments, independently of their flocks. It was, therefore, wise, while the Catholic population was small, to preserve to the regular clergy the faculties which, in a hierarchy, belong only to the secular. But when, by means of cheap and rapid communication with Ireland, the Catholics in England swelled to a million — when it was found there were as many Catholics in London as there was in Rome itself—when Liverpool had its hundred thousand, and Manchester its fifty thousand Catholic citizens—then the time arrived when, for the welfare of religion, a large supply of secular clergy was required. But under the vicars-apostolic, that supply could not be had, because the secondary clergy had no rights, had no protection. The priest residing for years at Birmingham or at Manchester, for instance, may, without the slightest cause or excuse, be deprived of his faculties, or removed from the scene of his spiritual labours, where he was beloved and respected. That was no imaginary case; it had actually occurred. Under a hierarchy, when canonical institution was granted, the secular clergy were fully protected, and, of course, being so fully protected, men in abundance would be ready to undertake the labours. He agreed with the hon. Member for Youghal, that if the change of ecclesiastical government which had lately been introduced, stopped short of canonical institution for the secondary clergy, and remained as it was, giving independent rights and powers to the bishops, freeing them from the control of the Pope, and yet giving the secondary order no security against the irresponsible exercise of their (the bishops') authority, then it would be better no such change had taken place. But he had reason to believe that it was fully intended to carry out to its full development the restored hierarchy, notwithstanding the threat of the noble Lord again to introduce further repressive legislation against religious liberty in case any such attempt was made; and, in justice to Cardinal Wiseman, he would add, that no man was more anxious than he was to give protection to the second order, for he knew without it religion would be seriously damaged. Thus, then, this change, which for centuries was looked for, has taken place at the time most needed for the spiritual welfare of an enormously increasing population. All that is sought for by the Roman Catholics is the free exercise of a tenet of their religion—a tenet, be it remembered, that was permitted to be exercised in the most persecuting periods of English history. Episcopal jurisdiction was allowed — the parcelling out by the Pope of the country into districts was permitted ever since James's time. Bishops wholly dependent on the Pope, and having more than ordinary jurisdiction, without molestation, exercised those powers. All that is now done is, that according to the ordinary rule the same bishops should be named to the sees or districts they have so long governed—that they should have nothing but canonical authority, and be more independent of the Pope; and because of this most necessary change for spiritual purposes, the country has been convulsed from end to end, and the noble Lord justifies the attack he makes against religious liberty. The noble Lord, in last Wednesday's debate, said—

> "that if the spiritual authority claimed had been confined to the Roman Catholics, we should have nothing to complain of."

On that statement he would claim from the noble Lord an abandonment of his measure. He (Mr. Fagan) had shown that it was purely for spiritual purposes the change was effected. Every Catholic, lay or clerical, says the same. He would call upon the noble Lord to act up to the statement he made, and before it is too late, to retrace his steps. He called upon him to retract the offensive observations he made in his too celebrated letter. Was the noble Lord justified because of that act of the Pope, to apply the word "insolent" to the spiritual head of nearly a quarter of the human race?—was he justified by this act of spiritual authority to call the Pope's conduct "insidious?" He (Mr. Fagan) knew well to what the noble Lord alluded. He imagined that the Pope was desirous to take advantage of the existing distractions in the Church of England, in order to gain over more converts to his faith. Now he (Mr. Fagan) never attached much consequence to these conversions. He thought that the mass of mankind, without inquiry, or being indifferent, would remain in the faith they were born and educated in; and that if there was to be any large secession from the Established Church, it would be in the opposite direction from the Catholic Church. Protestants were taught to judge for themselves in matters of religion—they denied authoritative teaching—it was therefore natural to suppose, if they left the Episcopal Church, it would be to join those who held that bishops and clergy with large endowments were not necessary, and that they could work out their salvation without the aid of paid pastors. That was a common-sense view of the matter; and he felt convinced that, instead of acting an insidious part for the purpose of interfering with the Established Church, his Holiness was solely occupied in securing the spiritual welfare of his own people. Was, he would ask again, the noble Lord justified by this spiritual act of the Pope in telling the people of England, the day before the 5th of November last, when such insulting scenes were seen in that metropolis, and as if to excite their rancorous animosity, that the Pope sought to put "his fetters" on them? The noble Lord is well versed in history. If he has read history correctly, and without prejudice, he must admit that, as a general rule, the spiritual authority of the Pope, or, in other words, the Catholic religion, was not employed to put fetters on the liberties of mankind. On the contrary, were not the clergy of that religion, in almost every instance, with the people, and for the people? Did they not, in all times and in all countries, principally belong to the people; and, deriving their power and influence from opinion, did they not stand by and sustain the masses from whom that influence proceeded? Who was it won Magna Charta for that country?—was it not principally Archbishop Langton and his clergy? What does Mr. Macaulay, a member of the present Government, in his *History*, say of the influence of the Catholic religion on civil liberty. He says—

> "It is remarkable that the two greatest and most salutary social revolutions which have taken place in England, that revolution which, in the thirteenth century, put an end to the tyranny of nation over nation, and that revolution which, a few generations later, put an end to the property of man in man, were silently and imperceptibly effected. . . . . . It would be most unjust not to acknowledge that the chief agent in these two great deliverances was religion, and it may be, perhaps, doubted whether a purer religion might not have been found a less efficient agent."

Such was the opinion of a Whig historian respecting this fetter-forging religion. As to his opinion as to the purity of the Catholic faith, it was of little value, and was beside the question. Does the noble Lord, he would again ask, know who first promulgated the old Whig maxim now forgotten or disowned—"the sovereignty of the people?" Why, it was that maligned society the Jesuits; and who was it that upheld the divine right of Kings as opposed to that maxim? Why, their polemical adversaries of the Established Church; and yet the noble Lord would tell the people of England that the Pope, as personifying the Catholic religion, sought to put fetters on their liberties and their intellects. And here he (Mr. Fagan) must be permitted to express regret at the introduction into debate of the most unfounded imputations on the Catholic religion. He had hoped that these unfounded statements would have been confined to country meetings. He had hoped that the hon. Member for West Surrey (Mr. Drummond) would have been contented with the letter he had addressed to his constituents, which was but one mass of misrepresentation, and that he would not have reproduced some of his statements in that House. The hon. Member was altogether mistaken respecting the canon law. Any existing canon which was opposed to the municipal law of any country was not binding on the subjects in that country, and could not be introduced into it unless it was a canon affecting faith and doctrine; and as all faith and doctrine were based on divine revelation, such canon could not have any but a spiritual and salutary effect. True, there were canons which were not suited to the present times, and were framed to meet the exigencies of religion in former days, and to put down, as in the case of the Albigenses, doctrines of the most criminal, unnatural, and antisocial character. But these canons were obsolete as much as any forgotten statute of the first William or Edward, notwithstanding the assertion to the contrary of the hon. Member for Oxford (Mr. Page Wood); and when he was told in the face of the House of Commons by the noble Lord (Lord Ashley) the Member for Bath, that a Catholic might, with spiritual impunity, violate his oath if the welfare of his religion was concerned, he repelled with indignation the statement, and he referred to the conduct of Catholics when excluded from civil rights by reason of their respect to the sanctity of an oath; and he referred to the conduct of Catholic States, in their treaties and engagements with this country, to show how groundless was so painful an imputation. All he demanded was, that the Roman Catholics should be judged by the doctrines they really held, and not by those imputed to them. Let hon. Members look to the evidence given by Dr. Doyle and Archbishops Murray and Curtis in 1825, and judge of Catholic doctrine by that evidence. By that evidence, he, for one, was willing to abide. He thought he had sufficiently established the fact, that, in England, nothing but spiritual authority over the Roman Catholics was intended by the Pope. He would now turn to Ireland, and would ask, why does the noble Lord extend his measure to Ireland? Because, forsooth, of the appointment, out of the ordinary rule, of Archbishop Cullen, and because of the holding of a national synod in that country. Now, national synods or councils are part and parcel of the ecclesiastical government of the Church; and, without an infringement of religious liberty, they cannot be prevented. The noble Lord imagines he knows what the synod assembled for, though the decrees of that synod are unknown, and will remain unknown to any but the bishops themselves until sanctioned by the Pope. The address to which the noble Lord referred was, it was true, adopted by the bishops assembled at Thurles; but, as it had not the sanction of the Pope, it could not be considered a decree of the national council. But the noble Lord justified his extension of his measure to Ireland on two passages in that address: one, consisting of fourteen lines, having reference to the unfortunate relations between landlord and tenant in Ireland. Now, considering what a vital, a life-and-death, question that was to the people—considering the position the Catholic bishops held in respect to their impoverished and crushed flocks — considering the miseries endured the last four years, he did not think it surprising that those who eminently possessed the confidence of the people, should, in a solemn address, give them earnest and truthful advice. As to the college question, though he had always steadily supported those provincial colleges, as demanded by the educational wants of the middle class, he still maintained that the bishops had a perfect right to interfere. Education was a part of religion. At least, as the noble Lord himself had maintained last Session, all education should be based on religion; and, therefore, it became a duty of the bishops to interfere, if they thought faith and morals at all in danger. And yet this was the ground alleged by the noble Lord for the intrusion of his measure into Ireland. What was that measure, as expounded by the Attorney General? Why, it not only extended the existing law as respects episcopal titles, to those holding sees in which there were no Protestant bishops, for in that case it would be simply legislation against the Archbishop of Tuam, who alone, of the Catholic hierarchy, assumed the title, but also went to paralyse the episcopacy, to use the Attorney General's own phraseology—it went to prevent synodical action in the Church—it rendered void and illegal every act done by a bishop assuming territorial title. Now, there is, and has been for centuries, a regular hierarchy in Ireland: that hierarchy cannot exist without bishops having territorial titles of the sees over which they have jurisdiction. They cannot appoint a parish priest, or give faculties, but in the capacity of bishop of the diocese, and having jurisdiction therein. Hence, if the Bill of the Government pass into law, all marriages by the Catholic clergy will be illegal, and the clergy not being legally ordained, having received ordination from a bishop assuming a territorial title, will be eligible to be returned to Parliament, and at the next general election, the question would in that form be put to the test. The noble Lord said, in Wednesday's debate—

> "That if in the discussion of this Bill, it can be shown in any way that religious liberty is infringed on, he (Lord John Russell) would be ready to discuss the point, and remove any words with which the worship of the Roman Catholic religion was interfered with."

Now, he (Mr. Fagan) had shown how it would be interfered with, by paralysing the episcopacy in the manner contemplated. But, it might be said, let the bishops in Ireland become vicars-apostolic, and then there would be no such difficulty—no such paralysis. Does the noble Lord imagine, that after having resisted the persecutions of Henry, and Elizabeth, and Anne, and maintained unbroken their hierarchy, the Catholics will now quietly submit to such a change? He would tell him they never would. The clergy in Ireland obeyed faithfully the law, when it gave "to Cæsar, the things that are Cæsar's, and to God the things that were God's." But when the law of God came into collision with the law of man, as Dr. Ullathorne had told the noble Lord, the first must be obeyed in preference to the last. He (Mr. Fagan) warned the noble Lord of the consequence. He was about to light up a flame which could not be easily extinguished. The noble Lord was once for reducing the Church Establishment, and appropriating a portion of its revenues to national purposes. Now he was, it seems, in love with that establishment, and would not touch a shilling of its half million of revenue. Let him tell the noble Lord that he was about to rouse up a frightful agitation against that establishment. The Irish people will never submit to have their "national religion," as it was called by the Duke of Wellington and Sir James Graham, paralysed in its spiritual action, and at the same time allow the Protestant Church to enjoy the fruits of their industry. In 1836, 400,000 armed men had nearly succeeded in crushing the tithe system. It still exists in the form of rentcharge; but with the excitement which the noble Lord is about to produce, with clergy and laity united, it will not long stand another attack. He warned the noble Lord to retrace his steps in time. Inside and outside that House there was danger a-head. He (Mr. Fagan) had always given him, when he consistently could, independent support; he had voted at his side last night, and thereby ran the risk of having his vote misapprehended, and his popularity endangered. He would, however, tell him that if he persisted in the measure he now sought to introduce, he would, whenever he could conscientiously do so—for he never would do evil that good may come of it—assist to overthrow a Government that was recreant to its past professions, and had forgotten or thrown over the glorious principle of religious liberty.

Mr. F. PEEL, said, he entirely concurred in the sentiment which had been more than once expressed in the course of this discussion, in which they had been now engaged for three days, that the debate was somewhat premature, somewhat vague and discursive in the range of its topics, and that it would have been carried on with greater advantage if they had first waited till they had been able to ascertain in all its bearings and in all its details the measure propounded by the noble Lord, and which he had moved for leave to introduce. And in the observations which he would venture, with the permission of the House, to make, it was not his intention to anticipate the line of conduct which he would take with respect to this Bill in the further stages of its progress through the House, ignorant, as he was, of the particular nature of the provisions of the Bill, and of the extent to which they were likely to be operative. But there were some points connected with that subject which were, he thought, independent of the particular manner in which the Bill might be framed, and to which he was desirous of confining his observations as well as he could. Now, the Bill had had, as the noble Lord anticipated, the ill luck of satisfying neither side of the House; at least as far as the lower portion of the House was concerned. Hon. Gentlemen on that (the Government) side of the House considered the provisions of the Bill went beyond the necessity and emergency of the occasion. Hon. Gentlemen on his side of the House considered that they did not come up to the emergency. Now, he had no intention to make any observations in reference to the course taken by hon. Gentlemen on the opposite side of the House; but hon. Gentlemen on his side of the House had in the course of their speeches contrasted the measure of the noble Lord with the speech with which he had prefaced the introduction and explanation of that measure, and also with the indignant spirit which had obviously dictated the letter addressed to the Bishop of Durham. They thanked him for his speech, they thanked him for his letter; but his Bill, if they accepted it at all, they accepted only as an instalment of what was due to them. Now, he was not surprised that hon. Gentlemen who had at the numerous meetings throughout the country argued this question with so much warmth and with so much sincerity during the recess as an attack on our liberties, as an assault on the supremacy and prerogatives of the Crown, as an insult to the Church of England and to her bishops, should feel some little disappointment that a question which they had argued on so extended a basis should be reduced into the narrow dimensions of a Bill for the purpose of extending and enlarging the provisions of a section of the Roman Catholic Relief Act of 1829. But he protested against this question being argued in that House as if it had been prejudged by the sense of the country, however united the voice of the country might have been. He thought their functions there were something more than simply to endorse the opinions pronounced by the country. They were bound, as they were able, to discuss that question for themselves; and the question which they had, as he conceived, to consider, was whether the provocation which had been given by the Court of Rome—and he would not deny there had been provocation—nay, more, he condemned as much as any man could do the un-Christian and uncharitable spirit, the arrogant and haughty tone which pervaded every line of the pastoral letter and of the letters apostolical—but the question was, as it appeared to him to be, whether that provocation did justify the interposition of any legislative enactment; and if it did, whether any measure could be framed of a more binding and stringent character than that which the noble Lord had announced his intention of introducing, without infringing on that which they all professed themselves, as he believed, sincerely desirous to maintain inviolate—the sanctity of religious liberty. He should indeed be extremely sorry to underrate the importance or misapprehend the significancy of those meetings which had taken place in the country, but to his mind the real value they possessed was not in the House taking them as a measure of the severity of their legislation, but in the circumstance that they had seen a great and overwhelming majority of the people meeting together and placing on record the expression of their firm and unshaken attachment to the Protestant religion as by law established. And it was not merely that circumstance, but they had also seen Protestant Dissenters as well as Protestants of the Church of England, as he believed, under the influence of feelings to which the hon. Member for Manchester had adverted when he said that they saw in the proceedings taken by the Court of Rome an indication of an opinion there entertained, that the Roman Catholic religion was about to make great and rapid strides in this country—they had seen them, he thought, meeting together under the influence of such feelings, for the purpose, in a time of doubt and of perplexity, of reassuring one another, by entering into a joint resolution to stand by the great principles of the Reformation, which he thought they now could certify the people considered the cause of truth, the cause of a pure religion, and of an uncorrupted faith indissolubly bound up together with and connected. Now, as to the Bill of the noble Lord, whatever might be its merits, he thought it could not claim the merit of being a permanent and comprehensive settlement of the question. It certainly had not that merit, and the noble Lord did not lay claim to it. The Attorney General had told them his only object was to afford a remedy for a specific offence or evil of which he complained, and he said also that he thought in taking that course he was acting on a wise and sound maxim of politics. That might be a very wise and sound maxim; but, at the same time, he thought it could not be disputed that it would be very desirable the position of the Roman Catholic Church in this country, in its relations to the Government and to the people, should be placed on such a footing as to render it impossible to have any recurrence of the agitation and tumult through which the country had lately passed. But those who recommended that arrangement had generally in contemplation some such scheme as that which had been discussed from the time of the Union to the passing of the Relief Act of 1829. He had heard the hon. Member for Meath (Mr. Grattan) allude to the Bill of 1813, and say that if that measure had received the sanction of the Legislature, it would have avoided many of the heartburnings we had lately experienced. The question was considered at the time of the passing of the Relief Bill of 1829. At that time they were about to deprive the Church of England of those securities—if they were securities—which she had till then enjoyed, in the closing of every avenue to office and franchise against the Roman Catholic; and they had then to consider if they would substitute any other securities in place of those which they were about to abrogate. Well, he thought they then took a wise and sound course; they were aware that a communication had always been carried on with the Court of Rome, which was, indeed, rendered necessary by the community which existed between the See of Rome and the Catholic Church in this country. They determined to leave that communication entirely free and uncontrolled, and trusted to the loyalty and good faith of the Catholics that it would not be made an instrument of political intrigue, nor be permitted to interfere with the internal and domestic temporal concerns of the country. And they had dealt in the same way with the hierarchy of that Church. Government said, we have no desire to have any voice in the nomination or selection of the bishops of the Church of Rome. They trusted in the good sense of the Pope, that he would not consent to the nomination of persons who had rendered themselves by turbulent and disloyal conduct distasteful to the people of this country; and he thought the noble Lord had pointed out very clearly the inconvenience and embarrassment which would result from the adoption of any different course; and he had heard with satisfaction that the noble Lord had no intention of interfering in either of these respects with the internal organisation of the Roman Catholic Church. Now, with respect to the measure before them, there were two points on which he felt very strongly, and by which he would be in a very great measure actuated in the course he would adopt. The points in question were the position of the Roman Catholic in this country, and the constitution of the Roman Catholic Church. With respect to the former point, reference might be made to the abstract question of law; but we had seen that not much value was to be attached to this consideration, for the Government had declined to prosecute under an Act of Parliament, not because there was anything ambiguous, faltering, or hesitating in the language of the Act, but because it had become obsolete, no recent precedents of prosecution having occurred under its provisions. But, setting aside the abstract question of law, it must be admitted that, as the matter now stood, to all intents and purposes, Roman Catholics might, with perfect impunity, recognise in the Pope of Rome, and the Pope might exercise in this country a spiritual and ecclesiastical authority as far as the Roman Catholics were concerned. There were persons, he knew, who thought the adoption of an opinion of this kind hardly consistent with the oath of supremacy taken by Protestant Members at the table of that House. For his part, he was able to take that oath with a very clear conscience, and yet maintain this opinion. He would not take refuge in the construction which some put on the form of words contained in the oath, namely, that it amounted only to a declaration that the Pope had no jurisdiction which could be legally enforced. What he conceived the words called upon them in their consciences to affirm was, that the spiritual headship over the Church claimed by the Court of Rome, was a claim unsound in sense and scripture. It happened, however, that a great body of our fellow-subjects held a different opinion. For a long time we persecuted them for holding that opinion. But times were changed, and Roman Catholics had been admitted to all the privileges of British subjects; but that circumstance would not prevent him from maintaining, as he was bound to do, the doctrine that the Pope had no authority, and ought to have none, within this realm. With respect to the second point, namely, the constitution of the Church of Rome, it appeared that it was essentially an episcopal church. It was placed entirely under the government of men who claimed a divine mission for their authority. These men composed the hierarchy of the Church of Rome; and if you prevented that church from having the grade of bishops, the gradation of the hierarchy would be incomplete, and unquestionably the liberty of the Roman Catholic Church would be encroached on. It was argued that the vicars-apostolic who had governed the Roman Catholic Church in this country for the last 200 years were bishops, and capable of discharging any of the spiritual functions appertaining to the office of a bishop. But were the bishops of the Church of Rome nothing more than mere depositaries of a preternatural power over the administration of sacraments, or in the discharge of other spiritual functions? Did they not believe that they had also, by divine institution, a power of governing the society over which they presided—a power, in short, of ecclesiastical jurisdiction? It was impossible to deny that some ecclesiastical jurisdiction belonged to the Roman Catholic bishops. Every religious society must have some power to administer its ecclesiastical concerns, and we knew that for the last 100 years the ecclesiastical concerns of the Roman Catholic Church in this country had been administered by vicars-apostolic under the constitution contained in the brief of Pope Benedict XIV. So that all the change which had taken place recently was the substitution of the code of the Church, the canon law, for the temporary and provisional constitution under which its affairs had hitherto been administered. If the government by bishops in ordinary was necessary for the administration of the canon law, he could see no just cause of complaint in the Pope constituting the diocesan form of government for the purpose of administering that law. "But," said the noble Lord at the head of the Government, "when we examine the Act by which the dioceses are formed, and episcopal government constituted, then we find how utterly inconsistent it is with the liberties of the country and the rights of the Crown." For what has the Pope done? He, a foreign Power, has assumed the privilege of raising certain towns in this country to the rank of cities, of erecting those cities into sees or seats of episcopal authority, filling those sees with bishops nominated by himself, authorising them to assume titles derived from the designation of the places where their churches are set up, and assigning to them districts or dioceses over which they were to exercise ecclesiastical jurisdiction. The noble Lord further said, that the assumption of the titles thus given—titles conferring rank, dignity, and precedence—was an invasion of the rights of the Sovereign, who was invested by the constitution of the country with the sole prerogative of conferring titles of honour and dignity. The noble Lord, however, did not confine his objection to the mere assumption of ecclesiastical titles; he also complained of the country being parcelled out into dioceses. Upon this point the noble Lord said that the public law of Europe was on his side, and that it prohibited the Pope from creating dioceses in a country without the sanction of the sovereign of that country. But he (Mr. Peel) was not satisfied upon this point, namely, whether the public law referred to by the noble Lord had not grown up to determine the international relations between the Court of Rome and those Roman Catholic countries only where the religion of Rome was established absolutely, and where the rights of bishops and clergy, and of the clergy and laity respectively, were guaranteed by law. It was obvious that in that case a foreign Power could not dispense with the law of a country which had received the sanction of the Government of that country. But see the evil of legislating on this subject. Go a little way and your Act is impotent; make it more than a dead letter, and you go too far. The Attorney General told the House he had good grounds for believing that the direct consequence of his Bill would be to prevent synodical action. The hon. and learned Gentleman said he made that statement on the authority of an allegation in Cardinal Wiseman's *Appeal;* but, if that were the only authority he had for making the statement, it might be doubted whether the resources of the Roman Catholic Church would be so easily exhausted, and whether they would not find some means of evading the provisions of the Bill. It was stated that some evil had already been experienced in Ireland, and that similar evil might be expected to result in this country from the Roman Catholic laity being subjected to the provisions of the canon law; and the noble Member for Bath dwelt with particular emphasis on the fact that one of the avowed objects of the constitution of the diocesan form of government in this country was the introduction of the code of the Roman Catholic Church—the canon law; and with great research he brought to light a number of passages from that code—a code, be it recollected, which Lord Stowell, sitting as an ecclesiastical judge in the Consistory Court of London, eulogised as a system deeply founded in the wisdom of man—the noble Member for Both cited several passages from the canon law certainly of a very uncharitable and reprehensible character, chiefly with the view of showing that the tenor of that law was opposed to the spirit and genius of the common law. But the real question was, what was the sanction for the canon law in this country? Was submission to the provisions of the canon law merely voluntary? There was a great difference between the canon law and the ecclesiastical law in this country. We had incorporated the ecclesiastical law into our law, and the civil power gave effect and sanction to the decisions of its tribunals. The hon. and learned Member for Oxford contrasted the conduct of the Pope in introducing the canon law into this country with the course taken by our consuls in the Levant and other Mahommedan countries, where they administered foreign law differing from the municipal law of those districts. And he showed that treaty stipulations were the conditions under which the consuls administered that foreign law in the Levant. In our case the Pope had not received the consent of the Crown by diplomatic arrangement, or in any other way, to the introduction of the code of the Church; whereas the consular jurisdiction was exercised by the consent of the Powers in whose territory the consuls were stationed. But he (Mr. Peel) could show to the House there was no analogy between the two cases. The reason why consular jurisdiction in the Levant was exercised under the stipulations of a treaty, was because the decisison of the consular tribunal might be enforced, if necessary, by the aid of the civil power of the country. [The hon. Member read an extract from a treaty between Russia and Denmark in support of this view of the question.] He greatly doubted the policy of protecting the Roman Catholic laity from the provisions of a code to which they paid only a voluntary submission. Reference had been made to the inconvenience experienced from synodical action. We had seen bishops of the Irish Roman Catholic Church meeting together for the purpose of exerting their power to the utmost to frustrate that beneficent Act of the Legislature which opened to the middle classes of that country an opportunity which, he trusted, they would not be deterred from availing themselves of, of giving to their children the advantage of a sound education in every branch of literature and science, without exposing them to the slightest taint as regarded their tenets, morality, or their religious doctrines. He condemned that improper interference, seeing that we had recognised, at last, education as a great moral agent—as a great security for the stability and permanence of our institutions. But, if we wished to oppose the introduction and administration of the canon law—if we thought we could, by the Bill about to be introduced, prevent synodical action, he greatly feared we had miscalculated our resources—he greatly doubted whether we should not be found destitute of the ability to carry out what we were desirous to effect—and that, finally, we should regret having furnished another illustration proving how utterly powerless the heavy arm of temporal power was in dealing with the voluntary submission of the mind—in dealing with those questions—imaginary sentiments as they were called by some hon. Member—which resided within the precincts of the conscience. One word on the theological part of the question, for it assumed a twofold aspect, in part political, and in part theological. Unquestionably there had been a virtual denial or non-recognition of the Church of England, and of its claim to be deemed a branch of the great Catholic Church. We had been told that our bishops were no bishops, that our clergy were no clergy, and that our services and sacraments had no more binding force and virtue, than as mere civil ordinances and regulations of the State. These allegations had doubtless exercised a strong influence on the minds of many persons; but, for his part, he did not desire his view of the question to be influenced by any considerations of that kind. He did not wish to trust to any Act of Parliament for the vindication of the Anglican Church. He relied with great confidence on the power of controversial writings—on the power of appeals to the good sense of the people—on the power which we had of demonstrating that the pretension of the Church of Rome to spiritual headship was not only claimed without warrant in Scripture, but was utterly opposed to it. The present time was marked by no feeling of indifference to the Church of England and the extension of her influence. The opinion, perhaps, might not be shared by many, but he was strongly impressed with the conviction that at no period—and this was, in a great measure, owing to the absence of legislative restrictions—at no epoch of her past history was the Church of England, notwithstanding the differences and dissensions prevailing in her bosom—notwithstanding the efforts of those who were labouring to overlay the simplicity of the Common Prayer-book with ritual and ceremonial observances not in consonance with the spirituality that characterised Protestant worship—notwithstanding the efforts of those who were labouring to give the clergy the character of an intercessorial and mediatorial priesthood which did not belong to them—notwithstanding all these unfavourable circumstances, his conviction was that the Church of England was never more deeply grounded in the affections of the great bulk of the people than at this moment. Looking around him, and observing in every direction the zealous co-operation of the clergy and laity in building and endowing schools, erecting churches, and making provision for the spiritual instruction of the people, he could not close his mind against the conviction that the Church of England was well founded in the affections of the English people. Whatever might have been the necessities of her past position, experience had shown that she could maintain her ground without the aid of artificial support—nay, that she could not only maintain her ground, but make way against rival religious denominations, and that she was daily drawing within her pale an ever-widening circle of the people of this country. The Church of England had nothing whatever to fear from the Church of Rome. The principles on which our Church rested—he meant the sufficiency of the Scriptures alone, and the right of every man to the exercise of his own judgment in their interpretation—rendered her impregnable to the assaults of Rome; and he confessed he saw nothing in what had lately passed in this country to warrant a departure from that wise and prudent course of granting full toleration to every denomination of religious association in this country, which the Church of England, with a true appreciation of her own interest, and with a clear insight into what was most conducive to her real welfare, had, tardily it might be, but still, as he believed at last, heartily, consented to recognise.

Sir J. DUKE felt under great disadvantage in addressing the House at all times; and that disadvantage was certainly not lessened on the present occasion by his rising as he did immediately after the hon. and learned Gentleman who had just sat down. Indeed, had he consulted merely his own feelings, he would gladly have contented himself with giving a silent vote on the present question; but, having the honour to represent an important constituency, which had been referred to by the hon. Member for Manchester, he felt it necessary to say a few words with which he hoped the House would indulge him. But, before he referred to the observations of the hon. Member for Manchester, he begged to say, that something like an unfair censure had been cast upon the noble Lord at the head of the Government for the letter which he had addressed to the Bishop of Durham. It had been said, that that letter had been the means of occasioning the meetings which had taken place in London and throughout the country, and that the noble Lord being in want of "political capital," found it necessary to call upon the people to come forward and resist Papal aggression. Now, the noble Lord had been that night misrepresented, unintentionally, no doubt, by the hon. Member for Cork, for that hon. Gentleman said that the noble Lord published his letter the day before the 5th of November, with the view of exciting the city on the occasion of the annual processions. Now, he (Sir J. Duke) happened to be abroad at the time that letter was published; but, on his return, he took the opportunity of going over the public papers to see what course the city of London and the public had taken upon this important question in his absence; and he found that, so early as the 14th of October, nearly the whole of the newspapers of the capital had united in calling upon the public and the Government to resist the Papal aggression. He found articles to the same effect in those papers on the 21st and 22nd of October. On the 23rd appeared a letter from a gentleman at Exeter, desiring to know whether the noble Lord and the Government supported the appointment of Dr. Wiseman. On the 25th, the clergy of Westminster met, and addressed the Bishop of London. On the 30th, the inhabitants of the important parish of St. George, in the metropolis, met for the same object. On the 31st, the London clergy also met, and addressed the Bishop. On the 28th, a reply appeared to the Exeter letter, from the secretary of the Premier, to the effect that neither directly nor indirectly had the noble Lord sanctioned the appointment of Dr. Wiseman, neither had the Earl of Minto encouraged or sanctioned the transaction. On the 2nd of November, he found that the great parish of Marylebone, in vestry assembled, protested against the Papal aggression. He found also that the parish of Stepney met about the same time, and that similar meetings were held at Gloucester, Canterbury, Dover, Deal, Southampton, Worcester, Reading, and other places—all before the appearance of the noble Lord's letter. That letter appeared only on the 7th of November, so that it was an error to say that it was published on the 4th for the purpose of exciting the public on the following day. On the 7th of November took place the meeting of the corporation of London; but he could assure the House that the noble Lord's letter had nothing to do with that meeting, which was held on the usual day, and had been summoned a week before. Being a member of that corporation, he was unwilling to say anything about its proceedings, except to remind the House that they had the high honour of approaching the Sovereign on great and important occasions; and, although he had been twenty years connected with the corporation, he never remembered its availing itself of that privilege except in the present instance; and he presumed that nothing but the consideration that it was a case of unusual importance would have induced them to do so. But, although he would say nothing more of the proceedings of the corporation, he might be allowed to refer to the great and important meeting of bankers, merchants, and traders of the city of London. Among other meetings which had taken place throughout the country, there was one, he believed, of the enlightened constituents of the hon. and learned Member for Sheffield, who had not only addressed the Queen, but had passed a vote of thanks to the noble Lord. Now, those meetings had been described as the result of intolerance, ignorance, and bigotry. He (Sir J. Duke) did not know whether that was the case or not; but he believed that if those addresses to the Queen had been petitions to the House of Commons in support of some favourite scheme of free-trade policy, certain hon. Members would have talked loudly enough of the dignity of the ancient corporation of London, the great weight of the merchants, bankers, and traders of the first commercial city in the world, and the intelligent and irresistible voice of the country. He did not know what might be the result of this debate; but he was quite certain, that by whatever combination of parties the measure might ultimately be defeated, the feeling of the country would rally round the noble Lord and his Government, and, in the language of the magnificent speech with which the noble Lord had introduced the measure, would show them that they were ready to resist the Papal aggression "in all points and with all their power." With regard to the remarks which the hon. Member for Manchester had made respecting the Rev. Dr. Russell, he begged to say that he had known that reverend gentleman for many years, and that a more upright, exemplary, and pious clergyman could not be found in the Church or in the country; and, when he found his name mentioned as having had recourse to or sanctioned the exactions which had taken place in a meeting-house in his parish, he felt it due to him to say, that he had no more to do with that transaction than the hon. Member himself; and that the persons who were alone responsible for it were the parochial authorities acting under a warrant from one of the magistrates of the city of London, than whom he would venture to say there was no set of men more kind or considerate in the discharge of such delicate and difficult duties.

Mr. BARING WALL said, he was anxious to offer a few observations before he followed the unusual course of opposing the introduction of a Government measure, which he thought needed some discussion. The whole course of the life of the noble Lord at the head of the Government ought to have made him remember that when irritating and exciting topics were introduced into a measure of this nature, it was not very probable that any stage of it would be allowed to pass without a debate ending in a division. A great deal had been said about the feeling on this subject in the country. Doubtless the meetings had been numerous; but he agreed with the hon. Member for Leominster in thinking that the effect of the demonstrations was to show the value the people attached to the right of private judgment, and their readiness to come forward when there existed the remotest idea that the prerogatives of the Crown would be invaded. We seemed to have concealed from ourselves the fact that the Roman Catholic religion was unchangeable. It ought always to be considered, in dealing with this question, that there were only two ways in which the Pope could act in the case of Protestant States which were foolish enough to have a concordat with him, namely, either by excommunicating them, or by ignoring their existence; and he need not say that the Pope had adopted the most gracious of those two modes of proceeding towards the noble Lord. He at least wished he could congratulate the noble Lord that his Bill would amount to a minimum of interference; but he was bound to declare, after having heard the speech of the hon. and learned Attorney General, that it amounted to the maximum of persecution, because he knew of no persecution so grating to individuals as that bit-by-bit persecution, the extent of which they were never to know, and which was to be dealt out to them according to the amount of mental reservation they displayed. If they had much of mental reservation, they were to have little persecution; if they were bold, honest, true, and faithful Catholics the persecution was to be proportionately increased. He called the Bill of the noble Lord an aggressive measure, because, without saying who threw the first stone, it was the first Parliamentary measure of aggression that had been introduced since 1829. It was hostile to all the noble Lord's previous declarations; and he must say, that if the noble Lord had changed his opinions, as he had, of course, a perfect right to do, he was, at any rate, bound to acquaint those who were in the habit of supporting him with the change which was gradually taking place in his own mind; and he would go further, and say that he more particularly ought to have told his old friend and ally, the Pope, with whom he appeared formerly to have been on terms of intimacy and confidence, what an alteration his views were undergoing. It appeared to him that the conduct of the Pope in this case was exceedingly natural. He could imagine his Holiness sitting in an arm-chair in the Vatican, with every enjoyment about him except that of seeing the *Times* newspaper daily, a misfortune which, of course, he brought upon himself—he could imagine the Pope sitting there and saying to himself, "I look back into the history of the Irish Church, and I find that there has been an uninterrupted succession of Irish Catholic Bishops. I find from the pages of *Hansard* (for the Pope would doubtless have *Hansard*, though he had not the *Times* newspaper)—I know that my bishops in Ireland have always been treated with great deference and respect by the English Government. I know that titles are given them, that the *entrée* of the Court is allowed them, and that everything they ask is bestowed upon them. I find that the Queen's prerogative extends alike to England and Ireland, and I cannot conceive that it would be a greater insult to the Queen that I should have bishops in England, than that I should have bishops in Ireland. I don't expect, of course, my former friend and confidant to say that he entirely approves of my appointment of bishops and archbishops in England; but I know what his leanings are, and what his Government have uniformly done, and I don't anticipate any difficulty. I shall, therefore, issue my brief on the subject." He (Mr. Baring Wall) thought such would naturally be the feelings of the Pope: and he did not see how the noble Lord could well be surprised at what had occurred. The noble Lord had recanted what he said in the years 1844, 1845, and 1846; but it was said that he had not recanted what he said in 1848, when, in reply to the hon. Baronet the Member for the University of Oxford, he declared that he did not know that the Pope had authorised the creation of bishops and archbishops in England, but that he would not give his assent to the formation of any such dioceses, if asked, in the Queen's dominions. But, why had not the noble Lord at that time ascertained from the Earl of Minto whether any such intention existed on the part of the Pope? He (Mr. Baring Wall) contended, that after all the proceedings which had been going on, particularly in Ireland, since the passing of the Emancipation Act, it was a very natural notion for the Pope to entertain, that he could establish a hierarchy in this country. He denied that the opposition to the Pope had been much increased in this country by the conduct pursued since November last, by the English Protestant bishops, for we had never possessed more learned, more moderate, or wiser men than the present ecclesiastics of the English Church; and he did not believe that they had improperly interfered with the expression of public opinion. He thought there was considerable misapprehension in respect to the alleged progress of Roman Catholicism in this country and in Ireland. He did not believe in that increase. The other day the Protestant Bishop of Tuam was over in England collecting subscriptions for paying the cost of building six additional Protestant churches in Tuam; and it was said that in Tuam alone, within the last three years, there had been an increase of from 10,000 to 12,000 Protestants. The hon. Member for Ayrshire had told them that his county had not petitioned in favour of these measures of the noble Lord; but the hon. Gentleman might have added the important fact, that scarcely any of the Scotch counties had petitioned Parliament upon the subject; and with regard to Tractarianism he might have stated also that though there were cases in Scotland in which those opinions were held, and where public worship was carried on in the same manner as that with which the noble Lord had been so well acquainted, yet not an instance was known of a Presbyterian in that country having been converted to those opinions. In the next remark which he was about to make, he felt that he should not carry with him the assent of the Prime Minister; but, with great deference to the noble Lord, he could not help saying that in religious matters Ultramontane opinions had been usually met, and must in general be encountered, by opinions of a more moderate character, and if the noble Lord needed any instances to convince him of that truth, he need only look through *Hansard* for the last ten years. Now, what were the reasons which the noble Lord gave for bringing forward such a Bill as was then before the House? Among these reasons he found the wishes of the Archbishop of Canterbury, the appointment of Dr. Cullen instead of some one else to the Roman Catholic Primacy of Ireland, the meetings and decisions of the Synod of Thurles; and because that body took into its consideration the occupation of land in Ireland, such a fact was made one of the grounds for introducing the measure now under consideration. But, surely, that did not form a sufficient reason for altering the political principles which the noble Lord had hitherto professed. In his opinion, the effect of such legislation would be to make every Roman Catholic a Jesuit, and every priest a spy. It was said that in the Bill of 1829 it was proposed to insert a clause very similar in effect to that which was now sought to be accomplished by the Bill of the noble Lord; but that proposition was not then successful, and it was not immaterial to observe that both the late Sir Robert Peel and the noble Lord opposed it. The wish, he believed, of the noble Lord once had been to govern without the aid of Bills of Pains and Penalties; but he regretted to observe that the noble Lord was now apparently giving up that principle. With regard to the present measure, he should say, before he sat down, that if the Bill were to become the law of the land, it should be sifted most carefully; but, whatever care might be bestowed on it, he did not hesitate to express his belief that in Ireland great difficulty would be found in carrying it into execution. The Irish Members of that House did not support the views taken by the noble Lord; and if he did not carry the measure with unanimity, it was to be feared that its operation in Ireland would prove unsuccessful. In his opinion it was a Bill that would redound neither to the safety of the State nor the peace of the country.

MR. GEORGE A. HAMILTON said, that, previous to his offering any remarks upon the question before the House, he felt it to be his duty to notice some most extraordinary mis-statements which had been made by the hon. Member for Athlone (Mr. Keogh) on the last day of the debate. The first of these related personally to his (Mr. Hamilton's) Friend and Colleague. Mr. Napier had stated in the course of his speech, that whatever might have been his opinions on the question of emancipation, he retained those opinions; but that he had always declared, both in and out of the House, that he considered the measure of 1829 as settled, and that any legislation must be in accordance with the spirit and conditions on which that measure was granted. He (Mr. Hamilton) could not see in that statement anything that was calculated to provoke an invective, especially from a Roman Catholic Member. But the hon. Member for Athlone, with the view, as it appeared to him (Mr. Hamilton), of creating some feeling against Mr. Napier, had accused him of having been Secretary to the Brunswick Club of Ireland, and had stated that those clubs were established for the avowed purpose of setting the acts of the Legislature at defiance, if those acts went in the direction of emancipation, But the hon. and learned Member was wrong in both branches of his assertion. Mr. Napier had no recollection of having been Secretary to the Brunswick Club of Ireland. [MR. KEOGH: Will he deny that he was ?] He has no recollection of having been so; but neither is it the case that the Brunswick Clubs were established to set the laws at defiance. They were established certainly to oppose the carrying of emancipation; but it was by legal and constitutional means, and the Brunswick Clubs comprised the best and most loyal men in the country—men of the greatest eminence; and when the measure of 1829 had passed, the clubs no longer were maintained. Mr. Napier was honorary secretary of the Conservative Society of Ireland; but it was formed in 1832, for the purpose of giving stability to the institutions of the country by developing the resources of Ireland and ameliorating the condition of the people: and it had no reference to the measure of 1829. The next charge which the Member for Athlone had made against his (Mr. Hamilton's) Colleague, was of a more serious nature, both as regarded him personally, and because it affected the University of Dublin. Mr. Keogh had stated, in reference to a debate last year, that Mr. Napier had then declared that to his own knowledge it was a complete fiction to say that the Roman Catholics were excluded from the honours and emoluments of the University of Dublin.

> "He (Mr. Keogh) had been petrified at that statement. He was a member of that university, and was prepared to show the utter hypocrisy of that statement. He could assure the House that there were no honours or emoluments to which he, a Roman Catholic, could hope to attain, but that of a sizarship, which imposed services and duties generally thought to be of a servile nature. The fellows had enormous revenues, of which no accurate account could be obtained. The junior fellows had enormous revenues, and no Roman Catholic could be a junior fellow. What was the meaning of Mr. Napier's allegation, when the Roman Catholics could be admitted to no honours but that of sizarship ?"

The House would observe that this was very strong language, and very specific; "there were no honours or emoluments which a Roman Catholic could obtain but sizarships;" and his (Mr. Hamilton's) Colleague was accused of hypocrisy for saying that it was otherwise. Now, what were the facts of the case ? He did not like to trouble the House with details, but he held them in his hand, and what was the result ? Why, that there were honours, offices, and emoluments open to Roman Catholics of the annual value of 6,940*l.*; while the offices and emoluments not open to Roman Catholics, excluding the fellowships and scholarships, which formed the foundation, amounted to but 4,752*l.* annually; and among these were included the professorship of divinity, and a lecturership of divinity, which formed large items in the amount; and then with regard to the junior fellowships, whose incomes were said to be enormous, would the House believe that the incomes which each junior fellow derived from the college property was just 40*l.* Irish per annum. Whatever else they might have arose from tuition; the twenty-eight junior fellows had nearly 1,500 pupils to attend to; and he (Mr. Hamilton) might just as well inquire about or complain of the income which the Member for Athlone acquired by his ability in his profession at the bar, as that hon. Member to remark upon the income derived by the junior fellows from tuitions they obtained in consequence of their abilities and learning. The hon. Member for Athlone had also misrepresented the argument of Mr. Napier with regard to the distribution of patronage in Ireland. Mr. Napier had argued that the Pope had been encouraged in his aggression by the preference which had been given to Roman Catholics by Her Majesty's Government in Ireland. The Member for Athlone had answered this by enumerating the number of offices in the law department, and stating how many of these were filled by Protestants, and how many by Roman Catholics; but that was no answer to Mr. Napier's argument—the question was, how many of each had been appointed by the present Government? He (Mr. Hamilton) had always felt that this was a most unpleasant and invidious subject. For his own part he could sincerely declare that it never occurred to his mind to inquire whether a man who was the subject of Government patronage was a Protestant or a Roman Catholic. He had always felt, since the passing of the Emancipation Act, that no such question should be raised by Government in distributing their patronage. But then the public had a right to the services of the best man, be he Roman Catholic or be he Protestant. And what was complained of in Ireland was, that this was not the case. He (Mr. Hamilton) meant nothing in disparagement of the learned gentlemen who had been appointed by the present Government to high offices in the law; but people in Ireland naturally inquired why was Mr. Henn, why was Mr. Bennett passed over? No one could deny that they occupied the highest position at the bar. Neither of them were politicians; they had now retired from practice, and therefore he would speak of them. Would either of those men have been passed over, if they had happened to be Roman Catholics? His hon. Friend the Member for Meath had also made a statement which he was anxious to correct. He had said that Sir Edward Sugden, when Lord Chancellor of Ireland, had given his sanction to some report in which the late Archbishop Crolly had been termed Archbishop of Armagh. He (Mr. Hamilton) was authorised to state that this was not the case. It was well known that reports in a Master's office are drawn up by the attorneys of the party, and that the Lord Chancellor never sees those reports, nor any portion of them, except such parts as are brought before him for the purpose of argument. It is possible that in some report drawn by some solicitor, Archbishop Crolly may have been so designated; but it is not the case that the Lord Chancellor had any knowledge of it, or gave it his sanction. With regard to the question before the House, it was this, whether a case had been made out by Her Majesty's Government to justify the House in allowing a Bill to be introduced. He (Mr. Hamilton) had listened attentively to the debate, and had read many publications on the subject of the Papal aggression. It appeared to him to be established most conclusively, first, that the law of nations, at all events the law of all European nations, had been violated as regards this country by the proceedings of the Pope; secondly, that the spirit, if not the letter, of the law had been broken by those who had been engaged in carrying out the Pope's brief; and, further, that an indignity had been offered to the Queen's regality, and to the independence of this great empire. Under these circumstances he should, of course, vote for the introduction of the Bill. With regard to its provisions, he would say nothing at present; he thought it extremely objectionable to be discussing the provisions of a Bill by anticipation. He would only say that of all kinds of legislation he thought that to be the most objectionable which was at once vexatious and affronting in its spirit, and ineffective in its operation. The noble Lord at the head of the Government had been accused of departing from the principles on which he acted for so many years. It had been said of him that having been, heretofore, the great advocate of civil and religious liberty, he had now taken a retrograde course. Of course, it was not for him (Mr. Hamilton) to defend the noble Lord; but when the noble Lord, in defending himself against the charge, by saying that he had found the confidence he had in Roman Catholics misplaced, it had certainly occurred to him (Mr. Hamilton) that the defence against the charge was unnecessary. The noble Lord, it is true, had spent a great part of his life, and acquired a great part of his political fame, in removing restrictions imposed in times past by Protestant Parliaments and Governments, and thereby advancing, according to the views of the noble Lord, the cause of civil and religious liberty; but there were other quarters, besides Protestant Parliaments and Governments, from which civil and religious liberty might be endangered. And he (Mr. Hamilton) was firmly convinced, that there never was a time when the noble Lord was more truly engaged in defending the principles of civil and religious liberty, than when he was engaged in resisting the aggressions of Papal domination, and defending the independence of this great empire.

Mr. SADLEIR said, he could not but admire the discretion of the hon. Baronet the Member for the city of London in not venturing to disturb those arguments so ably addressed to the House by the hon. Member for Leominster (Mr. F. Peel). But he thought that the hon. Member who had just resumed his seat, had been guilty of unparalleled rashness in undertaking the defence of his hon. and learned Colleague (Mr. Napier), which reminded him of the sage proverb, "Save me from my friends." Now the matter in dispute between the Member for the University (Mr. Napier) and the hon. Member for Athlone (Mr. Keogh) was of some importance, and it was desirable that the facts should be made apparent. The observations of which the hon. Member (Mr. Napier) complained, were not now made for the first time. He (Mr. Sadleir), in referring to the political antecedents of that hon. and learned Gentleman last Session, had charged him with having been, at one period of his life, in connexion with the Brunswick Clubs of Ireland. The assertion had never been contradicted or impugned by the hon. and learned Member from that day to this. He (Mr. Sadleir) had alluded to the fact, not for the purposes of Parliamentary invective, but simply in order that he might be enabled to draw those deductions which it was fair and legitimate for a Member of that House to draw in the course of a Parliamentary debate. The hon. and learned Member for Athlone made his statement the other night in the presence of the hon. and learned Member for the University; and that hon. and learned Gentleman, who was silent at the time, now replied through the medium of his Colleague, by saying, that he had no recollection of having been a secretary to the Brunswick Club. He (Mr. Sadleir) challenged the hon. and learned Gentleman to deny the fact. He now asked the hon. and learned Gentleman, in the face of that House, whether he ever was secretary to a Brunswick Club? Whether he ever was a member of a Brunswick Club that was constituted in the University of Dublin? And, finally, whether he ever made a speech as a member of that club? It had been asserted that the Brunswick Clubs were not illegal, and that the armed members of such confraternities did not come within the provisions of the law; but he (Mr. Sadleir) would stake his reputation on this assertion, that those clubs had always been regarded by the most eminent lawyers and statesmen as illegal associations, and that those who were connected with them were liable to the penal operation of the law. Before he proceeded to examine whether the spirit of the Emancipation Act had been fairly carried out by the Whigs during the number of years in which they had enjoyed office, let him express his gratification that the author of a measure which struck the chain from the Catholic had left us a living pledge and a positive security in the hon. Member for Leominster, that the principle of that great Act of 1829 would not be reversed; and he could not but congratulate the people of this country that the late Member for Tamworth had left behind him a son so worthy of his father's name and of the statesmanlike career of one whose loss the House would so long deplore. With respect to the general question, he could not approach its consideration without first expressing his admiration of the conduct which had heretofore been pursued in reference to it by his Protestant and Presbyterian countrymen, who, with calm disdain, had stood aloof from that scene of religious infatuation which had disturbed society during the last three months. By the expression of such views as those which had been so clearly stated by the hon. Member for Leominster, he believed Protestantism was most effectually promoted. That principle, as he understood it, was to rely for guidance in religious matters on the word of God alone, and to despise and disdain all factitious aids, derived from statutory enactment, whether the professed object of those who introduced them might be to repress Protestantism or to promote it. The noble Lord at the head of the Government had repudiated the idea of Protestant ascendancy; and, in attestation of his sincerity, had stated that a larger proportion of State patronage had been conferred, since 1829, upon Catholics than upon Protestants. He believed the noble Lord to be incapable of manufacturing a fact; but he would not scruple to assure him that, by the deliberate misrepresentations of some designing persons, he (the noble Lord) had been lured into making as extravagant a mis-statement as had ever been uttered even from the Treasury bench. He (Mr. Sadleir) challenged denial of the statement that at the present moment an undue proportion of the heads of all public departments in Ireland were selected from gentlemen professing the Protestant religion. The Catholics had not received anything remotely approaching to a fair apportionment of public patronage. He might also observe, that Irishmen, without distinction of creed, were excluded from a fair participation in the public service of the United Kingdom. The systematic exclusion from the circle of the Cabinet of all persons professing the Catholic religion, proved that the Government did not wish to carry out the spirit of the Emancipation Act; and the fact that Irishmen generally, without distinction of creed, were almost uniformly overlooked in the distribution of colonial patronage, proved that Ireland was not, in this respect, treated with justice or impartiality. No office in the colonies—unless, indeed, some insignificant office within one of the very least—was considered safe in the hands of an Irishman. He defied the President of the Board of Control to deny this assertion, that, in the distribution of the patronage of the Indian empire, it was systematically the practice to set aside every man, whether Catholic, Protestant, or Presbyterian, who happened to be so unfortunate as to claim Ireland for his native land. Returning to the question of Government patronage to Catholics in Ireland, he entreated the attention of the House to a few figures, which would show how erroneous were the views of the noble Lord at the head of the Government on this subject. The noble Lord had stated that, of the three Irish Chief Justices two were Catholics, thereby leaving the House to draw the inference, that judicial patronage in Ireland was in the favour of Catholics in the proportion of two to one. But nothing could be more absurdly erroneous than such a supposition. The office of Lord Chancellor had been five times vacant since the Act of 1829, yet it could only be filled by a Protestant. Out of twelve Common Law Judges in the Four Courts, only three were Catholics. From the Chancery Bench, Catholics, no matter how eminent for virtue, erudition, and talent, were precluded by Act of Parliament; and the retention on the Statute-book of such an Act said very little indeed for the liberality of the present Government. There were seven Judges in the Court of Chancery, in the receipt of 25,000*l.* a year, and only one Roman Catholic could be found in that body, who got 2,767*l.* Only one Roman Catholic Master in Chancery had been appointed since 1829. In the Queen's Bench, the highest court in point of dignity after Chancery, the Judges, without a single exception, were Protestants. Five vacancies had occurred in that court since 1829, and in every instance a Protestant was appointed. There were two remembrancers, both Protestants; and two bankruptcy commissioners, both Protestants. There were five taxing-masters, of whom four were Protestants; and three Incumbered Estates Commissioners, of whom every man was a Protestant. The Chancery official staff consisted of seventy-three officers, of whom sixteen were Catholics. The aggregate salaries of the whole staff was 60,000*l.*, and of that sum 3,000*l.* a year was taken by Catholic Members. The official staff of the Law Exchequer consisted of twenty-two officers, all Protestants, who had a revenue amongst them of 10,000*l.* a year. There were thirty-two assistant barristers, whose salaries amounted to 15,000*l.* per annum; there were only eight Roman Catholics in that body, who took among them only 3,732*l.* per annum. All the vacancies that had arisen in the position of assistant barristers in Ireland since the present Ministers came into office, had been filled up by the promotion of Protestants. There were twelve Judges in the Common Law Courts, who received 47,524*l.* per annum. Of those twelve, three only were Roman Catholics. Of the eighty-two officers of these courts, receiving 23,951*l.*, seventeen were Roman Catholics, receiving among them less than 3,800*l.* a year. Twelve Crown solicitors receive 14,600*l.* a year; four of them only are Catholics, and they take amongst them only 2,000*l.* per annum. That was his answer to the noble Lord, who said there were three Chief Judges in Ireland, of whom two were Catholics, wishing the House to infer that the proportion in which Roman Catholics were promoted in Ireland, was as two to one. But the painful portion of the subject was this, that they had in Ireland a Viceroy who had taken every opportunity of proclaiming that he would dispense the public patronage connected with his office so as to carry out the principle enunciated by the hon. and learned Member for the University of Dublin, that of being guided by no other rule but promoting parties solely on account of their professional merits. When, however, members at the Irish bar found that persons were promoted to judicial offices without any professional standing, or any character for legal erudition, they felt that there was a twofold injury inflicted on them, because they considered it was a practical condemnation of their claims to the respect and confidence of their countrymen. He (Mr. Sadleir) believed that some promotions to the office of assistant barrister in Ireland were a disgrace to the Government, and were regarded by the Irish people as a practical injustice towards them. He was sorry to observe that the noble Lord, without any provocation, had asserted that since the Act of 1829 a larger proportion of public patronage had been conferred upon the Roman Catholics than upon those who adhered to the Protestant Church. He thought such remarks were much to be deprecated, as there ought to be no religious distinctions made in such cases. He had always studiously abstained from pursuing that painful and invidious topic, that the Roman Catholics were denied their fair proportion of advancements as compared with their Protestant countrymen; but the noble Lord, the First Minister, attaching, as he presumed he did, great importance to the subject, had started with it at the outset as one of the most important connected with the Bill, and not, as some superficial thinkers might assume, dealing with it as an irrelevant topic. Adverting to the observations of the noble Lord, the hon. Member for the city of Dublin, feeling the importance and relevancy of that topic, had combated, and to a certain extent refuted, the noble Lord's statement. The hon. Member for Dundalk took a similar course. The hon. Member for Athlone commented on it; and the hon. Member for the University of Dublin had urged flatly and broadly that the profession of the Protestant religion was a practical exclusion from all participation in the public patronage of the State—in fact, a positive disqualification. Did the noble Lord see the consequence of that fallacy which he had been the means of circulating? The noble Lord had said that eminent judicial patronage had been conferred on men professing the Roman Catholic faith in Ireland since 1829, in as great if not a greater proportion than on Protestants. Now, he (Mr. Sadleir) could say without fear of contradiction, that the head of public departments — of every public department in Ireland — was Protestant, notwithstanding the statement of the noble Lord, and the statement of the hon. Member for the University of Dublin. He broadly asserted that an undue proportion of the offices connected with the public service, taking them as between the Protestants and Catholics, were filled by gentlemen professing the Protestant religion. He made that statement after a careful examination of the facts, and he challenged contradiction. He would add this fact, that Irishmen, without distinction of creed, had been in an unjust and unfair manner excluded from participation in offices connected with the public service. He would take higher ground, and assert that there had been a systematic exclusion from the circle of the Cabinet of every Gentleman connected with the Roman Catholic religion, and that the Government had practically failed in carrying out the spirit and intention of the Act of Emancipation, introduced by the late right hon. Member for Tamworth. But to return to the particular illustration of the noble Lord. The noble Lord had said that there were three Chief Justices in Ireland; two were Roman Catholics and one Protestant, and he left the English Gentlemen to conclude that, therefore, the Catholics, since 1829, had obtained offices connected with the public service in the proportion of two to one. The office of Chancellor in Ireland had been vacant five times. It was a most important office, with enormous patronage indirectly, and great political power; but no matter how high a man's attainments might be, or how distinguished for erudition as a lawyer he may be, the office could only be filled by one professing the Protestant religion, and the Catholic barrister was cut off from enjoying that high and most distinguished position in his native land. And would Englishmen tell him that the most humble among the Catholic population in Ireland might not, at some time, attain the highest office in the service of the country, if left to compete for the honour free and unshackled by anything assimilating to a system of penal disabilities? In England they had seen instances of men raising themselves from the most inferior position to the highest offices, for an illustration of which he need only repeat a name often mentioned in that House, that of Sir E. Sugden. He (Mr. Sadleir) might also cite the case of the present Chancellor, and urge that the exclusion of Catholics from the office of Chancellor in Ireland was a refutation of the noble Lord's statement, that Catholics were admitted to every office and distinction since 1829. Independently of that, there were other facts to be noticed. There was the Judge of the Prerogative Court, and all the offices connected with it. Of all the five vacancies in the position of assistant barrister in Ireland, since the present Ministers had obtained office, he could say all except one had been filled by the promotion of Protestants. Was it becoming in the noble Lord to advance this topic, considering the great amount of favour conferred on those who had no other pretension to that distinction except the fact of their political connexion with the Government? Had not Irish Catholics a cause of complaint when they found the important office of legal adviser to the Lord Lieutenant and Chief Secretary of Ireland had a second time been filled by a Protestant? He (Mr. Sadleir) was extremely sorry at being obliged by the noble Lord to notice this topic, preferring rather to address himself to the proposition before the House; but he saw plainly that the noble Lord made that statement with the view of creating an unfair prejudice against the claims and interests which he (Mr. Sadleir) was there to defend. In the three speeches which the noble Lord made, he entertained the House with an historical review of ecclesiastical history, and endeavoured to establish analogies between this and other countries, for the purpose of enlightening us respecting the dilemma into which we had been dragged. The noble Lord must have seen that there was little force or weight in his references. He might have told the House, that in Ireland the usual mode of appointing bishops was by the dean and chapter of the diocese, with the consent of the King, and the concurrence of the Pope. That was a wise and natural arrangement looking at the circumstances of the times. For instance, in the archdiocese of Cashel, in ancient times, the same individual combined in his own person the office of King and archbishop of that diocese. Under such a state of things it would be extraordinary indeed if the actual power of appointing to the bishopric vested in the Pope. With regard to the cry of "No Popery" that had been raised in this country, he (Mr. Sadleir) would take the liberty of reminding English Gentlemen that there was no one subject on which it was so easy to excite the religious feelings and prejudices of the people of this country than upon that very cry. At all times the illiterate, ignorant, and scum of this country, were lashed into frenzy by the force and action of that senseless cry. The greatest men, lay and clerical, of the Protestant Church, had constantly warned us against the danger of raising such a cry—a cry which caused the active agents of infidelity to point the finger of scorn against Christianity itself. He hoped his Roman Catholic fellow-subjects would be vigilant and firm during the present crisis. He felt an honest and natural pride in belonging to a body so loyal and faithful to the Sovereign, and such practical friends of social order. His answer to the slanders circulated through the public press, and issuing from the platforms of the country, against the Roman Catholics, was to be found in the declarations of the most distinguished Protestant divines, who had paid a just tribute of admiration to all that was admirable in the Roman Catholic faith. The profoundest of Protestant divines drew the attention of his Protestant friends and countrymen to the fact, that the missionaries of the Catholic Church were to be found in every clime, scaling the steepest ramparts of infidelity, and planting upon its highest citadel the triumphal banners of their faith. How many nations had the Catholic religion raised from a state of barbarism, having broken from off the slave the bonds which had rusted on him for ages, and enkindled within him the fire of a pure and elevating religion! To his Catholic fellow-countrymen he would now say, "We have won our present position by a dignified and honourable course of constitutional exertion. It is not the efforts of the noble Lord, it is not the isolated efforts of any individual, to which we owe the legitimate advantages we now possess. We have subdued and overcome the spirit of religious intolerance by subduing and controlling our own passions; by our dignified resignation, and by our firm fortitude during years of persecution and oppression, guided as we were by the energies, by the unrelaxing efforts, by the towering genius, by the constitutional knowledge, by the legal acumen, by the undeviating allegiance and fidelity of our own O'Connell. Thus have we worked out our emancipation—thus have we accomplished a resurrection in our country. Faithful, firm, unmoved, unshaken, unterrified, unsubdued, our loyalty—our love—our zeal have always been the same. This was not the language of empty exultation — it was the practical soothing of the political soul—it was a dignified retrospect of the triumphs they had achieved. He asked his Roman Catholic countrymen to cherish the recollection of the services they had rendered to religious freedom. He asked them to bear in mind that the moment might be near at hand when they would have to decide whether they should sink down into a depression — to an insignificance more obscure than anything from which they had emerged, or whether they would be triumphantly conducted to national concord and to permanent peace.

Mr. MILNER GIBSON said, he wished to make a few observations in order to explain to the House what course he proposed to take with regard to the Motion that had been proposed by the noble Lord. It was seldom that a Motion made by Government to bring in a Bill was so much discussed; but the principle involved in the measure now proposed was of the gravest importance. He had been in Parliament, with a short interval of absence, since the year 1837, and this was the first occasion on which he had been invited to embark in the policy involved in the proposition of the noble Lord. He was therefore desirous of taking no step in a matter of this importance without the fullest deliberation, and without being satisfied in his own mind that his reasons for whatever course he might take were sound and conclusive. He had been asked frequently to oppose the removal of disabilities from various portions of his fellow-countrymen, which had been imposed upon them on account of their religious opinions; but he said again this was the first time he had been invited to impose disabilities on men for their religious opinions. For what was the Bill? What the principle of the noble Lord? The noble Lord had invited him to join him in passing a penal law against men who desired by voluntary support and contributions among themselves to support that form of ecclesiastical discipline which they believed best calculated to promote the religion they professed. There had been no proposal on the part of English Catholics calling upon the Legislature to invest their bishops with legal jurisdiction, or to give those bishops legal powers to tax this country for the purpose of spreading the Roman Catholic religion. There had been nothing of the kind; but here was a proposal against those over whom he hardly thought we had any jurisdiction in the case to impose penalties on men for seeking by voluntary association to carry out that form of religious discipline which they believed to be best calculated to promote the religion they professed. He (Mr. Gibson) hardly thought that, after all, it was intended the present measure should be carried. He had heard certain reports that day, and there was a statement in a leading journal, supposed to have a semi-official character—the *Times*, in which they were informed that Ireland ought to be left out of the Bill; and that if Ireland stood in the Bill, there was an understanding that it was not to be enforced in the case of that country. He did not think that such a course on the part of the Government was at all commendable. It would be much better for men to be open and fair and aboveboard, and not seek for the sake of an apparent uniformity to include Ireland without the intention of carrying it into effect there; and it appeared to him it would have been far better not to put Ireland into the Bill at all. But taking the Bill as propounded, it seemed strange to him that Her Majesty's Government should propose to place the Catholics of Great Britain and Ireland practically in a worse position than those of other portions of this country's dominions. In the Colonies there would exist no restrictions such as it was the object of the present measure to enact. If it were their duty to prevent the episcopal organisation of the Roman Catholics in the united kingdom, why was it not equally their duty to prevent this episcopal organisation in Australia and in our colonies of British North America? He was at a loss to know on what principle they proceeded if they did not pass a law equally applicable to all parts of Her Majesty's dominions. If what was termed Papal aggression were to be resisted, surely it was equally to be resisted in the Colonies as in the united kingdom itself. With a matter of local arrangement, or a matter of municipal law, which might be confided to the inhabitants of each particular colony, it might not be advisable for that House to interfere. But if it were true that the appointment of bishops by a foreign Power—by the Pope—was a violation of the law of nations, and an encroachment on the supremacy of the Crown, and the independence of the country; it was the duty of the Government, and of that House, not to shrink from their obvious duty, but to make what measure was considered necessary applicable to the whole of Her Majesty's possessions throughout the whole world. They could not, he thought, gainsay that argument. If this measure were merely to apply to the united kingdom, those who proposed it could not be considered sincere when they said that they brought forward this measure from no desire to persecute men on account of their religious opinions, but from an irresistible necessity of defending the Queen's supremacy and the independence of the country. They had been invited to come to the consideration of the question under feelings of insult and indignation. They were constantly told that if they did not feel themselves insulted, they at least ought to do so—that they ought to feel indignant. He agreed with the Bishop of St. David's—Dr. Thirlwal—that there was no insult in the matter. He (Mr. Gibson) approached this matter free from those feelings which had been expressed as present in the minds of those who promoted this measure. They were also constantly told that those who supported this measure were the advocates of religious liberty. They were told not to be at all alarmed, that it only looked like a penal statute on the face of it, but that it was really nothing of the sort—for hon. Gentlemen who had always advocated the principle of religious liberty would never propose any penal law against any body of men on account of their religion. It was not, however, the first time that those who wished to enact penal statutes, or continue them in force against those who differed with them in matters of religious belief, had proclaimed themselves the friends and the advocates of religious liberty. Hon. Gentlemen, who in former times had wished to maintain penal disabilities against the Roman Catholics, and wished to exclude them from that House, and from all the offices and emoluments of the State, had professed themselves the friends of religious freedom. These hon. Gentlemen had opposed the granting of civil rights to the Catholics, because they said it was necessary for the sake of religious liberty to keep down the Roman Catholics, and maintain penal laws against them. Lord Eldon, for instance, a great authority in those times, said in substance, that "he would be the last man in the world to interfere with perfect freedom of conscience, but there were reasons of State, considerations which made it necessary to exclude the Roman Catholics from equal civil privileges with other men, which had nothing to do with any infringement of religious liberty." It had been said that it was because the Roman Catholics owed a divided allegiance—because they acknowledged the spiritual authority of the Pope—that the House had been called on to exclude these men from Parliament. All these arguments were constantly used; but he (Mr. Gibson) would not be deterred from scrutinising this measure, because those who supported it said they were the friends and the advocates of religious liberty. They had been told that the country had taken up the question in a spirit quite in accordance with the principle of full religious liberty; and on the ground on which this legislation was demanded, they were told it had nothing at all to do with any attack on religious opinion. On looking at the proceedings which had taken place in the country, he found that there had been no absence of discussion as to the tenets of the Roman Catholics, and these tenets were put forward as the reason, and the principal reason, why the House was to enact these penal laws. He would take Dr. Cumming, and it would be admitted that he (Dr. Cumming) was a great authority for the statement of what was the ground on which the country demanded these laws. And what had Dr. Cumming stated in a lecture which he had delivered on Papal Aggression? He said "that the teaching of Cardinal Wiseman is the best reason of protest against his intrusion as Archbishop of Westminster." His religious teaching, then, was the reason against Cardinal Wiseman; according to Dr. Cumming—not that he had been appointed by a foreign potentate—not that he had violated the supremacy of the Crown and the independence of the country, but that his teaching did not suit Dr. Cumming. Again, let them take the case of the noble Lord himself (Lord J. Russell). He (Mr. Gibson) held in his hand a letter, dated from Downing-street, printed for distribution at *5s.* per 100, by Westerton, of

Hyde-park-corner, and printed, too, "contrary to the Act in that case made and provided," on unstamped paper, thereby rendering every person who bought or sold a copy of it liable to a penalty of 20*l*. What had the noble Lord said in the first portion of that letter? "It is an aggression of the Pope on our Protestantism." This was then not an aggression on the Queen's temporal or spiritual power! Nothing of that kind, but an aggression on an opinion—on a sentiment. This appeared to him (Mr. Gibson) to be another confirmation that it was a desire to prevent the propagation of the Roman Catholic religion, by the enactment of penal statutes, that was at the bottom of all the agitation. He would quote another great authority: the Rev. Dr. Hugh M'Neile, in a speech on Papal Aggression, delivered in Exeter Hall, had said—

> "I say, it is the bounden duty of British Christians to guard against domestic intercourse with Roman Catholics. If you allow domestic intercourse with Roman Catholics—if your sons and daughters become intimate with Roman Catholics, you with a good grace, and consistently with your duties as parents, forbid the marriage. If you object to such marriages, take all means to prevent domestic intercourse with Roman Catholics. I am persuaded that much misery has arisen from such domestic intercourse. If, instead of the unclean thing being fondled, we had come out from it and denied it our support and encouragement, much that is to be deplored would not have taken place; but you have fondled the unclean thing, you have taken it to your breast, until at length it has turned round and stung you."

This was a speech on Papal aggression, showing the animus of those who had made the noise which had been heard in reference to the Roman Catholic hierarchy. The noble Lord by his Bill did not, in the slightest degree, meet the objects of this reverend gentleman, who was one of the members of their State Church, the rights of which they were now called on to vindicate, and to which they were now called on to create a sort of attachment, by vilifying and abusing the religion of others. He (Mr. Gibson) recollected a noble Viscount saying, "Don't praise us, do nothing but abuse the others. That is the way to create an attachment to us." This was very much the method which the Church of England had adopted in this matter. He had made these remarks in order to point out to them that it was not true that the country had taken up this question as a mere matter regarding the temporal power of the Sovereign, and which might be dealt with without any violation of the principle of religious liberty. But the noble Lord at the head of the Government, in the letter which he had put forth, and which had been the foundation of this movement—a movement which, to that moment, had never reached the working classes—in that letter the noble Lord had, in his (Mr. Gibson's) opinion, made himself an aggression on our Protestantism; because he had issued a divinity proclamation from Downing-street, deciding what was superstition and what was not. He (Mr. Gibson) was himself a member of the State Church, and he did not profess to be able to deliver offhand this sort of opinion as to what the doctrines of the Church ought to be, or what they were. But the noble Lord, talking of Protestantism and of private judgment, had been able to point out what was superstitious. He (Mr. Gibson) wondered how he (Lord J. Russell), not being an authorised and infallible expositor of evangelical truth, could undertake to propound such a subject. The letter of the noble Lord had not been a private communication; it had been a proclamation from the Papal chair in Downing-street, saying what their religion ought not to be. This looked very like an aggression. But the other day the question of baptismal regeneration had been referred to an authorised tribunal, to ascertain whether that doctrine of the Church, received in a particular way, was an orthodox one. The result had been, that it could not be decided what the doctrine of the Church was. Seeing that an authorised tribunal in this country had such extreme difficulty in discovering the doctrines of the Church, he (Mr. Gibson) said it was boldness—he did not undertake to say commendable boldness—but it argued great moral courage in the noble Lord to give forth a proclamation to the effect that certain doctrines were superstitious, leaving it, of course, to be inferred that the doctrines not so characterised or not particularly alluded to by the noble Lord, were sound doctrine. Supposing it were right that the noble Lord, as Prime Minister, should make this proclamation of divinity to the country—and he (Mr. Gibson) must say that he doubted the policy of it—they might have Prime Ministers issuing proclamations, denouncing other things as superstitious. If the Prime Minister were a Unitarian, he might undertake to write from Downing-street that the doctrine of the Trinity was not sound; and as there was nothing to exclude a Roman Catholic from becoming Prime Minister, you might, another year, have the Prime Minister denouncing Protestantism as unsound. Such a course might lead to what he (Mr. Gibson) considered to be a great national evil. If any duty were more incumbent on those who administered public affairs than another, it was to endeavour to calm and to pacify those religious animosities as they sprung up in the country, and most carefully to avoid anything calculated in the slightest degree to aggravate them. Was it not preposterous that, because the members of the Established Church could not make up their minds upon their doctrines, and were at variance upon certain important tenets, they should allege that as a reason why they should impose pains and penalties on Roman Catholics? He (Mr. Gibson) did not understand on what principle the question of Puseyism could be imported into the matter. It was, however, imported into the matter; and they had the noble Lord the Member for Bath (Lord Ashley) occupying the greater portion of his speech with it. The letter of the noble Lord (Lord J. Russell) had originated a movement, be that movement great or small; and the larger portion of that letter was occupied in condemning Puseyite doctrines and practices. They were called on to pass this law against their Roman Catholic fellow-subjects, on the ground that they had bishops appointed in the only way that bishops could be appointed for them—by the Pope; because these bishops had districts assigned them in the usual way, and because these bishops had taken the only reasonable course they could take, and had called themselves bishops of the districts in which they laboured. How had the letter of Cardinal Wiseman been addressed? Had it been addressed to the inhabitants of the united kingdom. No; it had been addressed to "the clergy and the faithful," which, in the understanding of the terms, could not be conceived as meaning anything but that he assumed that jurisdiction due to him in reference to those who submitted themselves voluntarily to his authority. A good deal had been made of the word "govern" in the pastoral letter of the Pope; but he (Mr. Gibson) contended that that word should not frighten them. It was in the usual style of such documents, and the word was constantly used without meaning that temporal governing to which the noble Lord had alluded. He (Mr. Gibson) asked if they were to prevent these Roman Catholic ecclesiastics from being called by the names of the districts in which they were to have their spiritual jurisdiction over Roman Catholics? They could not avoid having intercourse with the Pope. They could not prevent papal bulls and writings from reaching this country. They allowed these things, and they allowed the unrestricted appointment of bishops. But they were very much alarmed when these bishops took the names of those places in which, for convenience sake, they must be supposed to have particular jurisdiction. Some hon. Gentlemen, however, would not allow unrestricted intercourse with the Pope; and, although the penalties were repealed, yet it was held to be a misdemeanour at common law for a Roman Catholic to have intercourse with the Papal See. The hon. Member for Oxford (Mr. Wood) had told them of a certain manœuvre attempted with the view of commencing legal proceedings against Cardinal Wiseman — bringing an indictment against him for introducing bulls from Rome. Had this been worthy of the consideration of that House? He (Mr. Gibson) remembered a case precisely similar. A right reverend Prelate in the House of Lords, quoting the opinions of Sir Samuel Romilly and Lord Eldon, had said, if not in these words, to this effect, that—

> "When they repealed penalties for not believing, they did not render disbelief legal; they only repealed the penalties which were in force, and that a person could still be indicted, under what was called the blasphemy law, for being a Unitarian."

By the disinterment of such statutes they shook the sense of justice of the whole community. If they were only to look into the statutes and see what old obsolete laws were still allowed to deface its pages, they would find that there were very few of them who were not liable to penalties for doing what they did in these days with perfect impunity. On the Statute-book there was a law at that moment imposing a penalty on every man who did not attend the parish church. The legal habits of the hon. Member for Oxford (Mr. Wood) would induce him, if occasion required, to have recourse to such obsolete statutes; but he (Mr. Gibson) did not think that such a course was justifiable. He thought these old obsolete statutes ought not to be quoted in that House to induce them to legislation, but should rather be collected into some report and laid before the Government, that they might bring in a Bill to totally remove them from the Statute-book, and that they might neither have them brought into courts of law for vindictive and improper purposes, nor have them quoted in the hall of their legislation to induce them to act on unsound principles. They were going undoubtedly to narrow the liberty which they gave to the Roman Catholics when they passed the Emancipation Bill, if they agreed to this Act. There could not be the slightest doubt that this rule of law, at least, was certain—that all penal statutes were to be construed strictly. That being so, inasmuch as there was a penalty of 100*l.* which applied only to the assumption of titles which were already enjoyed by the dignitaries of the Established Church, it appeared to him perfectly obvious that the assumption of other titles did not come under the statute, and therefore they were by this Bill taking a deliberate step in a retrograde direction, with a view to narrow the liberties which they gave to their Roman Catholic fellow-subjects when they passed the Emancipation Bill. No ground —no reasonable ground had been assigned for this Act; for, although they had been told so much about the supremacy of the Crown, he must take the liberty of telling the noble Lord and the Gentlemen who had used that expression so much, that he knew of no supremacy in the united kingdom but the supremacy of the law; and if the law had not been broken, it was impossible that the supremacy of the Crown should have been violated, because the prerogatives of the Crown must be in conformity to the law. If, then, it were not denied that the assumption of titles was in accordance with law—and no Gentleman who had spoken from authority had ventured to assert the illegality of anything except the bringing in of papal bulls—and did not apply to the assumption of titles, why were they to be continually hearing these eternal complaints that the supremacy of the Crown had been violated, the rights of the Established Church infringed, and the independence of the nation attacked? It appeared to him that these expressions amounted to little better than clap-traps, if Ministers were not able to say that the assumption of titles, which was the matter in hand, was a violation of the law. He could be no party whatever to impose penalties upon Roman Catholics for carrying out their own voluntary ecclesiastical arrangements, supported by their own voluntary subscriptions, not interfering with the rights and liberties of any person in these dominions; and he could not for the life of him understand how those who supported the voluntary system among the Dissenters could reconcile it with their consistency to be the advocates of this Bill. Before he sat down —for they should have many opportunities of discussing that measure—he would take the opportunity of expressing his regret that in the speech of the noble Lord, he should, with a view of preparing them for that Bill, have told them of various acts of Roman Catholic ecclesiastics in Ireland and elsewhere, calculated, undoubtedly, to prejudice the mind, and to induce men to come to rather a hasty, and not a very just, decision upon the matter that was before them. To tell them of the interference of the Roman Catholic ecclesiastics in Ireland in the question of education, was to tell them what was very little to the purpose. If the noble Lord was prepared to raise the question, which was nothing more than that of secular or religious instruction, he (Mr. Gibson) was prepared to go into it with him; but when the noble Lord was himself a supporter of the mixing of secular and religious instruction—when the noble Lord had himself in that House advocated the interference of clergymen of the Established Church, and of religious teachers of various denominations, as an essential element in public education, he did not think it either fair or reasonable that the noble Lord should attempt to raise a prejudice in their minds against these Roman Catholic ecclesiastics for interfering with education in Ireland. Why, what was this case of interference in Ireland? At the Synod of Thurles, thirteen Roman Catholic bishops advocated the non-separation of secular from religious instruction; and twelve Roman Catholic bishops, as he understood, were not against the separation of secular from religious instruction. Produce him, then, twelve Protestant bishops of the Established Church, who would advocate the separation of secular from religious instruction. It was new to him that they had got this band of liberal men in their own Church. In order to raise a prejudice against the Church of Rome, the noble Lord quoted the opinion of M. Dupin upon that Church. He (Mr. M. Gibson) would also give a French quotation, but upon another Church Establishment, the English Church, which would form a sort of pendant to that of the noble Lord. What did M. Guizot, a great Protestant, a great Protestant reformer, say, in his *History of European Civilization*, of the Church of England? He said, "The English Church is as corrupt as ever was that of Rome, and far more servile." The quotation was entirely provoked by that of the noble Lord. The charge was, that an aggression had been made by the Church of Rome on England. Did English missionaries get no support, ay, and in a physical sense, in making aggressions on the religions of foreign countries? An instance might be adduced of what looked much more like an aggression than the proceedings of the Pope. The *Overland Mail* of November 28, 1850, contained a paragraph, stating—

> "In our last overland summary we referred to the difficulties at Fuh-chau, arising out of certain missionaries of the Church of England having obtained and insisted on retaining possession of a temple within the city, very much against the wishes of the people, who, in their excitement, threatened to destroy the building. Their violence, however, has been restrained for the time by the authorities, who appear to have acted with much prudence and decision; but, while exerting themselves to protect the missionaries from personal injury, they at the same time protest against the course pursued by the rev. gentlemen as both illegal and impolitic, and have issued several manifestoes on the subject, in one of which it is attempted to be shown, not altogether unsuccessfully, that they are acting in contravention of the treaty. We have now received copies of two of these documents, which, however, are too long for insertion at present. The missionaries, it is said, are acting in accordance with the instructions of Bishop Smith, who, as he proposes visiting Fuh-chau during his present cruise, may, after personal inquiry on the spot, be induced to modify them."

That looked like a physical aggression—missionaries taking possession of a temple, a bishop making his cruise in a man-of-war. The screw-sloop *Reynard* arrived at Shanghai on the 14th of October, conveying a communication from the British Government relating to the missionaries:—

> "Repeated complaints having been made to the British Government, it was arranged that a man-of-war should occasionally be despatched to look in upon Dr. Bettleheim at Loocho, in order to afford him the countenance of the Government by whom he had been adopted."

Loocho was an independent country. Dr. Bettleheim was a converted Jew, a native of Hungary, but a naturalised British subject.

> "The *Reynard* anchored in Napa harbour on the 3rd of October, and remained a week, during which time two or three interviews were held with the native authorities, both on shore and on board. It was deemed expedient to exclude Dr. Bettleheim from all share in the negotiations; and the Bishop of Victoria, who was on board, on his way to the northern ports (assisted in interpretation by his Chinese amanuensis Chun-chung, a Latin as well as Chinese scholar), is stated to have contributed materially to bring about the good results which it is hoped will follow from the firm yet conciliatory tone adopted."

Interviews took place between the Viceroy and the commander of the vessel. At the last interview—

> "It was deemed advisable for the officers of the *Reynard* to appear in full dress, attended by a guard of about fifty men, who were marshalled opposite the guard of the mandarins. The various complaints made by Dr. Bettleheim were made the subject of conversation, and explanatory papers were exchanged; but it was judged better to limit the proceedings as far as possible to the delivery of the intimation from the British Government, inculcating the necessity of better treatment of Dr. Bettleheim, among whose complaints one of the most serious seems to have been an assault on him by some police while engaged in his missionary duties. At the termination of the negotiations presents were exchanged, and the Viceroy and other mandarins, in return for their hospitality, partook of an entertainment on board the *Reynard*. She was the first steamer that had been seen there, and, though it was evident her arrival had made a considerable impression, her departure was probably regarded with entire satisfaction."

That (the right hon. Gentleman proceeded to say) was a description of aggression that he thought they ought not to authorise; and, for one, he should be prepared to advocate resistance if it were attempted in this country — attempted in this sort of physical character. He must admit, that the noble Lord, in his statement, generally expressed his dislike to the interference of ecclesiastics in temporal and secular matters. He cordially concurred in that principle, thinking that the duties of those gentlemen were strictly those of giving religious consolation to their respective communities. He only regretted that in the course of the speech with which the noble Lord favoured them as to the great importance of bringing in this Bill, the only two authorities that bore on the matter in hand were two reverend gentlemen. A large portion of the speech had reference to the proceedings of Roman Catholics in various parts of Europe, matters undoubtedly of great interest, but as far as the matter in hand was concerned, the only authority the noble Lord gave them was that of two ecclesiastics of the Established Church. The noble Lord mentioned the Bishop of London and the Archbishop of Canterbury, and he said the Bishop of London had suggested that there ought to be legislation to prevent the assumption of these titles; he said that that was the answer which the Bishop gave to one of the addresses, which was presented to him, that they ought to prohibit the assumption of any titles derived from any place in the united kingdom. And therefore, said the noble Lord, he had agreed with that suggestion. The noble Lord also said, that when he informed the Archbishop of Canterbury that it was not intended to institute a prosecution, his Grace replied, that he did not expect the Government would institute a prosecution, but he did expect that some legislation should take place on the subject. Now these were the only two authorities, and, with due submission, he did not think that these were the gentlemen to apply to on this subject. Dr. Blomfield, who was in his elevated position, at his ease, surrounded with all the pomps and vanities of the world, not exempt from the infirmities of our nature, and desiring to stand alone in his glory, he confessed he did not think the proper sort of person to be asked what sort of indignity was to be passed on Dr. Wiseman. Nor was even Dr. Sumner, the Archbishop of Canterbury. He thought if there ever was an improper interference in temporal affairs, this was one of all others in which they should not have meddled, because it would be imputed to them, whether justly or not, that they were acting from jealous feelings, and from a desire to maintain, as it were, a sort of supremacy of their own by preventing the proceedings of other religious communities from being carried out. He should not have thought of applying to Dr. Wiseman to ask what proceedings he should take against Dr. Blomfield, nor would he apply to Dr. Blomfield to know what proceedings he should take against Dr. Wiseman. He would deal with this subject not under the advice of ecclesiastics of the Established Church, but he would deal with it as a national question. In considering how far the Bill which was proposed was calculated to promote the harmony of all classes of Her Majesty's subjects, he hoped, if he had understood the Attorney General, there would be one clause inserted in the Bill before it was enacted into a law. He dared say hon. Gentlemen might have observed a clause in Bills to the effect that "this Act may be repealed or amended during the present Session of Parliament." Now, he would put a clause in the Bill proposed, "And be it enacted, that this Act may be broken with impunity during the present and all future Sessions of Parliament." For he was quite persuaded, however much the noble Lord might have changed his opinions as to the puerility of legislating against titles, and the total impossibility of proventing these communications with Rome—he was so far persuaded in his own mind that their law would be nugatory for any good purpose, and only calculated to cause great irritation, and that it was well described by the hon. Member for Buckinghamshire as a piece of petty persecution, that he, for one, if he never gave another vote in that House, would use his utmost endeavour to prevent the passing of this Bill.

Mr. CUMMING BRUCE said, he addressed the House on this occasion with extreme reluctance. Opposed as he had been to the noble Lord's general political course, he considered it no more than in accordance with the respect due to the Minister of the Crown, and with common courtesy, when the Minister introduced a measure alluded to in Her Majesty's gracious Speech, to have allowed him to have introduced it on the night that he proposed it. He should not, however, have now addressed the House, had it not been for an observation of an hon. Friend of his (the hon. Member for Ayrshire), who, in his opinion, had misrepresented the feelings of the people of Scotland in this matter. His hon. Friend said, there had been no demonstration in Ayrshire or in Scotland generally against the Papal aggression. Now, in no country were the people more thoroughly opposed to Popery than in Scotland; but the people of Scotland were not apt to volunteer their services when they were not wanted. They relied on the firmness, the energy, the love of truth, and the attachment of the people of England to the principles of civil and religious liberty, to which the doctrine of Rome had ever been opposed. But he would venture to say, on behalf of the people of Scotland, that if their assistance were required to resist the aggression of the Romanist power in this country, it would not be wanting. The hon. Member for Ayrshire had charged the Free Church with having set up a sort of hierarchy, by establishing general assemblies, new parishes, and the like; and yet, he said, it had not been interfered with. But the hon. Gentleman had misunderstood the matter. The case was entirely different. The Free

Church did not call itself the Established Church, and from its very designation (a fanciful one he would admit), it was perfectly clear that it was a purely voluntary association, limited to the purely spiritual influence which it exercised over those who attached themselves to its views. But, on the other hand, here was a Church, which from its very pretensions to infallibility was not, and never had been, able, as all histery and experience proved, to separate spiritual matters from temporal. There was, therefore, no analogy whatever between the cases of the Free Church and the Church of Rome. The hon. Gentleman in his speech had also alluded to the Episcopal Church of Scotland, which had also assumed titles, which he considered they were equally called upon to put down. But there was this marked difference between England and Scotland — namely, that in the latter espiscopal titles had been abolished altogether ; and, therefore, to assume them, there was an act very different to the aggression committed in assuming them from places in this country. Various Gentlemen who had spoken in the course of the debate, had expressed an opinion as to what the feeling of the country would be with regard to the speech of the noble Lord at the head of the Government, and with regard to the measure which his Lordship had introduced. He would therefore take the liberty of telling them what the feeling would be in Scotland upon both points. With regard to the speech, he believed that the men of Scotland would consider it worthy of the Protestant Minister of a Protestant Government. But with regard to the measure, he was obliged to consider it somewhat of a "lame and impotent conclusion." All Scotland would agree with the line of policy shadowed forth in the speech of the noble Lord; but the measure he had proposed would not meet with their approval. He believed the noble Lord would have to go a great deal further. [*Cheers.*] Yes, the noble Lord would not only have to forbid the assumption of titles, but he must render penal the reception of bulls. He would have to go further still. He must put down all monkeries, whether white, black, or grey, or whatever colour they might be. The hon. Member for Leominster, who had addressed the House with an ability quite calculated to arrest attention, to say nothing of the old associations connected with his name, had expressed an opinion that the great manifestation of Protestant feeling was only valuable, inasmuch as it was a union of all Protestants to maintain the great truths in which they were agreed. He (Mr. Bruce), however, could not agree with that proposition. As the representatives of the people of England, they were bound to consider the wishes of the people; and, if possible, to give them effect; and he thought the House of Commons would be wanting in its duty to the country if it failed to entertain a measure, the object of which was to carry those wishes into effect.

Mr. FOX MAULE said, he wished to draw the attention of the House to the speech of his right hon. Friend who had just sat down, and he wished to contrast that speech with those which had come from the lower part of the House, to show that in the present position of this question there was no blame to be attributed to the Government for endeavouring to steer in this matter a middle course between extreme opinions on the one side and the other, and to suit the legislation they had proposed to the House to the exigencies of the case, in which that legislation had originated. But he could not help being struck with a remark that had fallen from his right hon. Friend the Member for Manchester, that the matter was out of the jurisdiction of the House; and that it ought to confine its duties to matters connected entirely with taxation and the ledger. But the House had duties superior to that. It was his duty to see that those rights and liberties which had been handed down to us by our forefathers should be delivered unimpaired to those who were to follow after us. But his right hon. Friend seemed to endeavour to catch the attention of the House more by the misrepresentation of the noble Lord at the head of the Government, than by any other plan. In the first place, he had totally forgotten to refer to the speeches which had fallen from his noble Friend, but had stated that, from his chair in Downing-street, the noble Lord had issued a certain letter in which he had taken upon himself to instruct the country in spiritual and ecclesiastical doctrines. His noble Friend had done no such thing. [*Cheers.*] He stated distinctly that he had been guilty of no such act of presumption, but in all that referred to matters of an ecclesiastical character he had quoted almost verbatim the words of the Bishop of London. Then, again, it had been said that before his noble Friend introduced this measure, he had taken counsel with the Bishop of London and with the Archbishop of Canterbury. His noble Friend had distinctly denied that also, for, on the contrary, he had informed the Archbishop and Bishop what he had resolved to do. Both he and his colleagues had framed the measure entirely upon their own responsibility, and were indebted for advice to no ecclesiastical authority, as indeed they had consulted no clerical authority whatever. His right hon. Friend went on further to say, that it was the noble Lord's letter which stirred up all the strife in the country. Now, it was a well-known fact that the Pope's unwarrantable bull had been in the country three weeks at least before the letter was ever written at all; and the Bar had drawn up and signed the very remarkable petition which had emanated from them before that letter appeared before the public. Therefore, he said, his noble Friend had been most unfairly dealt with; and the part he had taken in guiding the public opinion would ere long receive the gratitude of every class of the community, and even of the House itself. He (Mr. Fox Maule) wished to say one word as to what was said by his hon. Friend the Member for Ayrshire, in the course of his speech on Wednesday. His hon. Friend said, that the people of Scotland were indifferent on this subject; and in the same breath he stated that there were no men so opposed to Popery in every form as the people of Scotland. He (Mr. Fox Maule) agreed in that description of his countrymen; and he had sometimes had occasion to lament that they carried that feeling to excess. He had regretted that on many occasions he could not go along with some of his countrymen in their feelings on some questions relating to the religion of so large a portion of the inhabitants of this country; but at the same time that very fact had convinced him that the step lately taken by the Pope, involving an aggression upon the authority, the honour, and the prerogative of the Crown, and upon the Protestant liberties of this country, was a step which must be highly offensive to the whole people of Scotland. But the hon. Gentleman had said that there was a strong parallel case between a portion of the Presbyterian Church, to which he belonged, and the Church of Rome, in the aggression which each had made. Now, he should never cease to think of what had taken place in 1843 without the deepest regret. That event was one of the noblest but one of the saddest of modern days. The Church of Scotland was one of the most useful national churches that ever existed in any country, and the most Protestant; and no man, or no body of men, ever regretted the step which a conscientious feeling compelled them to take, more than the very men who seceded. But what similitude was there between their case and that of the Roman Catholics? The Free Church maintained the same ministrations as the Established Church—the same doctrines, and the same discipline. But it was said that they had divided the country into districts, or parochial divisions. They had done no such thing. The fact of the matter was that in almost every parish a congregation, or part of a congregation, left the church in which they had been in the habit of worshipping; and he presumed that the hon. Gentleman would have exported them from the parishes likewise, instead of permitting them to reorganise themselves in the different localities in which they lived. They had called themselves by an innocent name (a fanciful name it was, he would admit); but they had tried two or three others before it was adopted, and the Home Secretary for a long time had utterly repudiated it, speaking of them as "a body of Christians calling themselves the Free Church." It would be far better to leave it and the Established Church in the position in which they were then standing. Their differences were beginning to be forgotten, and they were meeting together for the common performance of various Christian purposes on the same platform. They were uniting in the same holy endeavour to overcome and overtake the infidelity that prevailed in the cities of our land. Why then should the hon. Gentleman rake up those differences which were passing away, and revive a quarrel which they must all regard with the deepest regret? The hon. Gentleman had also gone on to speak of the Episcopal Church. He (Mr. Fox Maule) would not allude to that period which was generally called the "black years"—namely, from 1680 to 1685—when the sword of persecution was indeed unsheathed against the Covenanting population. Those times had long since gone by, and the Episcopal Church was now a sect of Dissenters which did a great deal of good amongst those who belonged to its communion. It lived in peace with all men, and sought no quarrel with any one. It, too, with the other denominations in Edinburgh, was vieing with the rest who should reduce the crime and infidelity of our country to belief and to obedience to the laws. Passing from this subject to the state of the Roman Catholics before this unhappy aggression, he could not but observe that the penal laws had been introduced more to protect the Sovereign from the cabals of the Roman Catholics, than with any desire to interfere with their faith. Step by step, as our Protestant constitution had become consolidated and firm, had these penal laws vanished from the Statute-book, or fallen into disuse; so that in August last the Roman Catholics were in the full enjoyment of every spiritual privilege, and in the full exercise of their religion. Their Church was enabled to follow out its discipline, both in Ireland and in England, with an efficiency that she had not possessed in this country at least for 200 years. She did not complain that she could not administer her sacraments, or fulfil all her rites, or do her spiritual duties to her people as effectually under the system of vicariates in August last as she had done for the 200 years preceding. In fact, the whole horizon wore a calm and peaceful aspect. If he might except a few growls from the lion of St. Jarlath's, the whole scene was perfectly tranquil, and was such as certainly gave great encouragement to toleration. But on a sudden the whole was disturbed. A decree emanated from the Court of Rome which took them entirely by surprise. But it seemed that hon. Gentlemen were not disposed to believe that the Government were taken by surprise; yet the noble Lord had stated in 1848 most distinctly that so far as he was concerned, he never would consent to the step which had recently been taken. But to whom was the gratifying state of things, which he had been describing, principally owing? It was attributable to no one more than his noble Friend at the head of the Government, whose conduct in this matter would in fact have earned, if that had been possible, a claim to the liveliest gratitude of the Irish people. Was there any other Irishmen, or any friend of civil and religious liberty amongst English Members, who would re-echo that sentiment? Sir Robert Peel was too generous to assume that credit for a measure which belonged almost entirely to those who had opposed his policy. It was true he had the courage to carry that emancipation into effect; but in doing so, he had stated that to the noble Lord now the First Minister of the Crown, and to the great party who for years had contended for that emancipation when out of office, and who might have been in office but for their feeling with respect to that measure, was the credit of it due. Yet the hon. Member for Carlow said that to Sir Robert Peel, and not to the noble Lord and the great party of whom he was the head and ornament, were Roman Catholics indebted for the blessings of emancipation. He maintained that the course which Government had taken in this matter was one that they were imperatively called on to take in defence of the Protestant constitution of this country. He did not wish to use offensive words, but he would say the Protestant feeling of the country had been most wantonly and ungratefully assailed. The hon. Gentleman the Member for Carlow had said, that the act of the Pope imposed the canon law upon the Catholic laity, who voluntarily came forward to submit to it. He would say boldly that no earnest Catholic could give a voluntary submission to the canon law. The submission was imperative, the obedience absolute. In proof of that, he need only refer to that address which had emanated from the Roman Catholics of this country, and lately carried up to the Queen, in which they declared that obedience to their spiritual superiors and to the canon law of the Church, was a matter of virtue in them. He might be allowed to say a word in reference to the duties of the office which he filled. He had done all in his power to provide for the spiritual comforts of the Roman Catholic soldiery, whether in health or in sickness. Care was taken that on the sabbath and on their saint-days nothing but imperative duties should stand between them and the discharge of their religious obligations. In standing by the measure which the Government had introduced, he did so as a Protestant legislator, and from no feeling either of hatred to his Catholic fellow-countrymen, or of antipathy to the religion which they professed. He respected their religion, though he did not agree with them. He should be swayed by no considerations but those of duty; he would be deterred by no fears or frowns, but would do his duty in the matter as became a sincere and loyal Protestant, an independent Member of that House, and the servant of a Sovereign who had a paramount duty to perform.

Mr. SCULLY said, the right hon. Gentleman the Secretary at War had stated that the letter of the noble Lord was not the origin of the excitement in Great Britain. Before the publication of that letter, however, meetings were few and far between; but, after that letter, the cry of "No Popery" reigned throughout the country, and meetings were held in every county, whereas they were silent before. He contended, therefore, that they must connect that letter with the violent meetings and speeches throughout the country. The right hon. Gentleman had said that the Roman Catholics were bound to obey every part of the canon law; the fact, however, was, that they were only bound to obey it, or the head of the Church, in spiritual matters, and were perfectly independent of either in temporal concerns. The greater part of the army were Roman Catholics; now, if they imposed penal laws, they should consider how they were to be enforced. They must call upon the civil authorities, and in case of necessity upon the military, to support them. But was it right to call on a force that might (he did not say they would) be influenced by their religious feelings not to carry out the law? The right hon. Gentleman had said that he had given the Roman Catholic soldiery power to attend their own religious services. He did not know that because Roman Catholics entered the army they were to be deprived of the privilege of attending their places of worship; but he knew that, in some instances in Ireland, they had been withdrawn from those places of worship without sufficient grounds. This measure was an insult to Ireland; it was an attempt to re-enact the penal laws; and though the right hon. the Secretary at War might say that all Scotland and England were in its favour, he told him and the House that all Ireland was against it. Besides, the hon. Member for Ayrshire had stated that there was no feeling in its favour on the part of the Presbyterians of Scotland; and the Presbyterian Church of Ireland and the Free Church there had refused to meet, agitate, or protest against the step which the See of Rome had taken. In the face of these facts, he called upon the Government to pause before they proceeded further in this matter. It was their duty to respect the feelings not only of the Roman Catholic, but of the Protestant and Presbyterian population of Ireland; they might, by their infatuated conduct, drop a spark in Ireland that might kindle a flame that they could never extinguish, and which might end in blood, anarchy, and confusion.

Colonel SIBTHORP said, it was only his intention to trespass for a very short time on the attention of the House, for he would not wish to interpose between the expressed sentiments of the House and the division to which they seemed desirous of coming. He thought it, however, his duty to say, that, although he could not place much confidence in the Government, or its capability to maintain, as the right hon. Gentleman the Secretary at War had said, the dignity and security of this country, he should vote for them on that occasion. They had seen so much on the part of the noble Lord opposite and others since the passing of the Act of 1829, that he (Colonel Sibthorp) would rather have both arms cut off than vote for that Bill; and that he said without having any un-Christian or uncharitable feeling towards any class of his countrymen. As it was a duty he owed his Sovereign, however, on account of what was recommended in Her Majesty's Speech, he should feel obliged to register his name for the Motion of the noble Lord, however little he might think the measure calculated for the security of the State, or satisfactory to either Protestant or Catholic.

Mr. MUNTZ trusted the House would excuse him for detaining them a short time while he explained the motives which induced him to give his vote for the introduction of the Bill. He looked upon the present question as one of the most disagreeable and disgusting that had come before the public since he took any part in political life. Up to that moment he had taken no part in any proceedings or discussions on this question, wishing to hear its merits fully discussed, more particularly in that House, in order that he might be able to arrive at a just conclusion between both parties. Most of the Members of that House were, perhaps, aware that a meeting had been held in Birmingham, which borough he had the honour to represent, on the subject, and that parties were so equally divided, that no resolution had been come to. If he had then spoken, he should have requested the meeting to arrive at the end they did, by withdrawing both the original resolution and the amendment. He was present at that meeting, and it was probable that, even with the little influence which he possessed, if he interfered in favour of any course, that course would been adopted;

but so determined was he not to interfere, that he took no steps whatever in the matter. He was inclined to say, from the difficulties and controversies which this question had occasioned between parties and Churches, "A plague on both your Churches!" No person was less influenced on religious questions than he was. [*Much laughter.*] If hon. Gentlemen allowed him to finish the sentence, they would have no cause to laugh. What he was going to say was, that he never questioned any person as to his religion when he was hiring a servant or a workman, and he wished to carry out that principle; all he required was, that they should conduct themselves honestly, soberly, and industriously. On looking at the practice of Roman Catholic and Protestant countries throughout Europe, he found that the Pope had not the power of making bishops in any country without an understanding with, and the consent of, the Sovereign Power. He would give the Roman Catholics every right that they had had hitherto; but he did not think they should have power now which they did not possess even before the Reformation. Another argument which weighed with him on this practical question was this, he had read history, and all history told him that, where the Catholic religion was established supreme, the people did not enjoy religious liberty or general prosperity. He mentioned these two points in order that he might be enlightened on the subject if he was wrong, by hon. Members on some future stage of the debate. He had some doubts as to how he should decide in reference to this question. He should vote, however, for the introduction of the Bill, reserving to himself the right of taking such a course afterwards as he might think fit.

MR. BROTHERTON said, he had taken no part in the agitation of this question out of doors, nor had he intended to take any part in this debate; but he had endeavoured to ascertain what were the real merits of the case, that he might see as clearly as he could what part he ought to take. Both the hon. Members for Manchester had placed him in rather a painful position. The House knew that the towns of Manchester and Salford were intimately connected, and that they were, in fact, one and the same constituency. Now, he had reason to believe that the sentiments which had been expressed by those two hon. Members were not the sentiments of that constituency. He would not yield to either of his hon. Friends in a desire to advocate every measure calculated to promote the enjoyment of civil and religious liberty by any class of Her Majesty's subjects, and he trusted he never should do so. But the grounds on which he considered it to be his duty to vote for the introduction of this Bill were very different from any such motives. From the opinions of the most eminent lawyers, and of the most enlightened statesmen, and from the sentiments expressed by the community at large, it did appear that in this instance the rights of the Sovereign had been infringed, and the liberty and independence of the nation assailed. He did not consider this to be a religious question, but one which affected Her Majesty's prerogative, and the rights and liberties of Her Majesty's subjects. He was not called upon to defend the Established Church, or to say one word against the Roman Catholic religion; neither was he required to speak in favour of the Pope, in order to injure the Established Church. But he consented to the introduction of this Bill, bearing in mind what was avowed by the noble Lord, that it was not his intention to infringe upon the civil or religious rights of any class of Her Majesty's subjects. In giving his vote for the introduction of the Bill, he considered he was doing so in obedience to the sentiments of the great majority of his constituents: at any rate, for his own part, he was anxious to see what the Bill was before he came to any final judgment upon it. He gave no opinion as to whether the measure should extend to Ireland; but he believed that in assenting to the introduction of the measure in reference to this country he was acting in accordance with the feelings of many of the Roman Catholics of England. He would enable the House to judge as to the right he had for entertaining this opinion. He had received several letters from Roman Catholics of great influence in Manchester and Salford. There were, in fact, no persons who exercised greater influence than they did in both boroughs. They were the constituents of his hon. Friends, as well as his own constituents. He would read an extract from a letter which he had received from one of them. It ran thus:—

> "I feel considerable interest in the matter, and am confident that unless Government will protect us, all our charity-land, and other property given for our churches, will pass into the sole con-

> trol of the Court of Rome. As an Englishman, I seek to have our charities administered according to the laws of our own country, and not by a foreign Court and under foreign laws.”

The vote, therefore, which he was now about to give would be given from a conviction that he was voting in favour of the civil and religious liberties of the Roman Catholics, and in the firm belief that the Bill would not be an infringement of the religious rights of any class of Her Majesty's subjects.

MR. F. O'CONNOR rose to address the House amidst loud cries of “Divide!” He assured hon. Gentlemen that he was going to ask the House to divide. He felt this debate had lasted long enough, and he would give way in the hope that no other hon. Member would ask to address the House.

MR. SCHOLEFIELD begged for permission to make a few observations. He differed from his hon. Colleague in the vote he was about to give, and also from a great many of his constituents, and, therefore, he begged to explain his reasons for voting against this measure. As a member of the Church of England he could not be supposed to have any sympathy with the proceedings of the Pope or Cardinal Wiseman, which he thought to be impolitic as regarded the interests of the Roman Catholics themselves, in some respects disrespectful to the Crown, and in many ways injurious to the Roman Catholics. He must say also that this measure on the part of the Pope had, to a certain extent, raised a feeling in the country which he regretted to see had been encouraged to some extent; but on the subject of religious liberty his opinion was, that the phrase referred not only to the doctrines of particular sects, but also to the discipline of the Church, and he felt that the discipline of the Catholic Church could not be carried out except in the way the Pope desired to do it, by the appointment of a hierarchy. He thought the Bill was ineffectual for any good purpose, and he could not hesitate to vote against it.

Question put. The House divided:— Ayes 395; Noes 63: Majority 332.

List of the AYES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Bagot, hon. W.
Bagshaw, J.
Bailey, J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, H. B.
Baring, rt. hon. Sir F.T.
Baring, T.
Baring, hon. F.
Barnard, E. G.
Barrington, Visct.
Bass, M. T.
Bateson, T.
Beckett, W.
Bell, J.
Bennet, P.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Berkeley, C. L. G.
Bernal, R.
Bernard, Visct.
Best, J.
Birch, Sir T. B.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brockman, E. D.
Brooke, Sir A. B.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Bunbury, E. H.
Burghley, Lord
Burrell, Sir C. M.
Busfeild, W.
Buxton, Sir E. N.
Calvert, F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Caulfield, J.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chaplin, W. J.
Chichester, Lord J. L.
Childers, J. W.
Christopher, R. A.
Christy, S.
Clay, J.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cockburn, Sir A. J. E.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Collins, W.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Copeland, Ald.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Currie, H.
Dalrymple, Capt.
Dashwood, Sir G. H.
Davies, D. A. S.
Deedes, W.
D'Eyncourt, rt. hon. C. T.
Disraeli, B.
Divett, E.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Ellice. rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Evelyn, W. J.
Ewart, W.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. J. W.
FitzPatrick, rt. hn.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forbes, W.
Forester, hon. G. C. W.
Forster, M.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.

Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Gwyn, H.
Hall, Sir B.
Hall, Col.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hanmer, Sir J.
Harris, hon. Capt.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, G. J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hill, Lord E.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodges, T. T.
Hodgson, W. N.
Hogg, Sir J. W.
Hollond, R.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Hudson, G.
Humphery, Ald.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, R.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Knox, Col.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. E.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsey, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lopes, Sir R.
Loveden, P.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
Macnaghten, Sir E.
M'Gregor, J.
M'Taggart, Sir J.
Mandeville, Visct.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord J.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Moody, C. A.
Morgan, O.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Muntz, G. F.
Napier, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Ogle, S. C. H.
Ossulston, Lord
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, Col.
Peel, F.
Pelham, hon. D. A.
Pennant, hon. Col.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Plumptre, J. P.
Powlett, Lord W.
Price, Sir R.
Prime, R.
Pugh, D.
Reid, Col.
Renton, J. C.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Sandars, J.
Scott, hon. F.
Scrope, G. P.
Seaham, Visct.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Shelburne, Earl of
Sibthorp, Col.
Sidney, Ald.
Slaney, R. A.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thicknesse R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Thornhill, G.
Tollemache, hon. F. J.
Tollemache, J.
Townley, R. G.
Townshend, Capt.
Trevor, hon. G. R.
Tufnell, rt. hon. H.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Walpole, S. H.
Walter, J.
Watkins, Col. L.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Wigram, L. T.
Williams, J.
Williams, W.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Worcester, Marq. of
Wyld, J.
Wynn, H. W. W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Hayter, rt. hon. W. G.
Hill, Lord M.

List of the NOES.

Anstey, T. C.
Arundel and Surrey, Earl of
Blake, M. J.
Blewitt, R. J.
Bright, J.
Butler, P. S.
Clements, hon. C. S.
Cobden, R.
Corbally, M. E.
Devereux, J. T.
Fagan, W.
Fagan, J.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Gibson, rt. hon. T. M.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Henry, A.
Heyworth, L.
Higgins, G. G. O.
Hobhouse, T. B.
Hope, A.
Howard, P. H.
Hutchins, E. J.
Keating, R.
Keogh, W.
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Oswald, A.
Pechell, Sir G. B.
Power, Dr.
Power, N.
Reynolds, J.
Sadleir, J.

Scholefield, W.
Scully, F.
Simeon, J.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Stuart, Lord D.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Towneley, J.
Trelawny, J. S.
Wall, C. B.
Walmsley, Sir J.
Wegg-Prosser, F. R.

TELLERS.
Roche, E. B.
Moore, G. H.

Bill ordered to be brought in by Lord John Russell, Sir George Grey, and Mr. Attorney General.

The House adjourned at half-after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 17, 1851.

MINUTES.] *Sat First*—Lord Leigh, after the Death of his Father.

Their Lordships met, and having gone through the business on the Paper, House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 17, 1851.

MINUTES.] NEW MEMBER SWORN.—For Pontefract, the Hon. Beilby Richard Lawley.
PUBLIC BILLS.—1^a Valuation (Ireland).
2^a Passengers' Act Amendment; Mills and Factories (Ireland).

WAYS AND MEANS—THE BUDGET.

House in Committee of Ways and Means; Mr. Bernal in the chair.

The CHANCELLOR OF THE EXCHEQUER: Mr. Bernal, often as I have on similar occasions experienced the kindness of the House, I feel that I never stood more in need of their patient indulgence than on the present occasion. My hon. Friend the Member for Montrose has, in addition to the ordinary duties of a Chancellor of the Exchequer making a financial statement to the House, called upon me for some information, or opinion, at least, on the general subject of the incidence of taxation. But, independently of this, I cannot sufficiently describe how deeply I feel the importance of the proposal which I am about to submit to the House, and the more than usual difficulties which I have to encounter upon the present occasion. When the income tax was first renewed in the year 1845, the country in all its branches was in such a state of prosperity, that the pressure of the tax seemed of little moment to anybody. In 1848, such were the circumstances of the country, that little choice was left to any Member of the House on that occasion. I cannot but feel that circumstances are now different, and although I believe, and am deeply convinced that the course which I propose is as wise and expedient now as it was on either of the former occasions, I cannot but feel that many Gentlemen in the House may be of a different opinion, and that opposition may be made to that proposal to-night which on former occasions was almost universally acquiesced in, namely, the renewal for a limited time of the income tax as regards Great Britain, and of those stamp duties in Ireland which were imposed concurrently with the income tax. Before, however, I come to that proposal, of course it is my duty to state the present financial condition of the country. Hon. Gentlemen have had in their hands the balance-sheet up to the beginning of January; and that forms no bad criterion of what the probable state of the revenue may be on the 5th April next. I must, as on former occasions, ask for some indulgence as to the precise accuracy of estimates made at so early a period of the year. That course is rendered necessary by the proposal I shall ultimately submit to the Committee, upon which a decision at as early a period as possible is most desirable, for reasons that will be obvious; but it must be evident that, whereas in former years the financial statement never was made until after the financial year had commenced, I am now making a statement for a period that will close some fourteen months after the time at which I am now addressing you. It matters little when the country is in a state of prosperity, and the probability is that the income will rise; it matters still less when the House is prepared to support such a proposal as that which I shall to-night make, of maintaining a fair surplus of income above expenditure; but no doubt there may be circumstances in which an estimate formed at so early a period as the present may lead to considerable inconvenience, from the imperfection of the data on which it must necessarily be formed. Sir, in the estimate I formed last year, I stated that the imports of corn had been falling off for a considerable time, and that I did not feel myself justified in taking a large sum for the produce of the corn duties of the ensuing year. Subsequently to the 5th April the importations of corn increased very much—they are nearly equal to the importations of the corresponding period of the previous year; whereas in the six months ending the 5th of April last, they were, as I stated on a former occasion, only half those of the corresponding six months of the previous year. I will now proceed to lay before the House—first, the probable estimate of income and expenditure up to the 5th April next; and, secondly, the probable income and expenditure for the year ending 5th April, 1852. Sir, the income which I estimated last year up to the 5th April next was 52,285,000*l.*; the actual income for the year up to January is 52,810,000*l.* I do not believe, so far as the means we already possess enable me to form a judgment, that the present quarter will be equally productive of revenue with the corresponding quarter of last year, partly on account of the loss to be sustained from the reduction of stamps, so that I do not think that the income up to the 5th April next will exceed 52,656,000*l.* It is, however, a most gratifying circumstance to find that there has been a large increase in that item of revenue ordinarily taken as the best test of the condition of the people—I mean the Excise. In April last I estimated the Excise at 14,045,000*l.* I subsequently repealed the brick duties, the amount of which, of course, is to be deducted from that sum, leaving a probable income of 13,590,000*l.*; and taking not an exorbitant estimate of the produce of the Excise up to April next, I believe it will have increased above that amount by no less a sum than 668,000*l.* The estimate of expenditure, in the budget of last year, was 50,785,000*l.*; there were voted, including 250,000*l.* for buying up an annuity payable to the Equivalent Company, and 211,000*l.* for naval excess, 50,987,735*l.* Now the naval excess, of course, was paid before the 5th April, and therefore does not appear in the expenditure of the current year. The expenditure voted, therefore, excluding the naval excess, was 50,776,000*l.* The actual expenditure for the year ending the 5th January was 50,205,879*l.*, including the payment to the Equivalent Company; but I believe the expenditure of the year ending April 5 will be somewhat less than that, and I calculate it at the sum of 50,134,900*l.*; showing that we have so administered the funds intrusted to us by the country as to effect a reduction of expenditure to the extent of 640,000*l.* below the estimate of the year. The probable surplus on the 5th April will be 2,521,000*l.* Sir, I now come to the estimated income for the ensuing year. The balance sheet shows that the receipt of the Customs for the year up to the 5th January is rather upwards of 20,400,000*l.* In the course of the ensuing year, the last reduction of the duty on colonial sugar, and a further reduction of the duty on foreign sugar, in pursuance of the Act of 1848, will take place; but I think, notwithstanding, although that reduction amounts, calculated on the former revenue from this source, to about 330,000*l.*, I am justified in taking the receipts of the Customs for the ensuing year as about the same as for the present year, namely, in round numbers, 20,400,000*l.* In the Excise, I am afraid that I cannot calculate upon so large a receipt. The main part of the Excise depends upon the duties derived from malt and spirits. In the year 1849, which was a remarkably fine barley harvest, a very large amount of malt was made. The barley harvest for the year 1850 is, I am told, of inferior quality, and I do not think it possible that the same amount of revenue should be derived from those two duties which are the principal source of the Excise revenue during the present, as during the past year. My hon. Friend the Chairman of the Board of Excise is sanguine in general in his estimates of revenue; but it was with great difficulty I induced him to allow me to take so large a probable receipt for the ensuing year as that which I am about to take, namely, 14,000,000*l.* In the stamps there will be, as Gentlemen who have attended to this subject must be aware, a further decrease in the course of the ensuing year, because the Act passed last year did not come into operation till the 10th of October. The probable amount of loss which was estimated upon the stamp duties in the course of the full year was about 500,000*l.*, and the experience of the past year fully justifies that estimate. Of course, until the month of October, people deferred taking out stamps, in the expectation of the reduction of duty about to take place on the 10th of that month; in the two quarters ending 5th January, the amount of the stamp duties was 245,000*l.* less than in the corresponding period of former years. So far as I know from present appearances, that decrease is fully sustained—in point of fact it is rather exceeded; and, therefore, I believe the estimate of loss I made will be, if anything, within the mark. It cannot be less than 250,000*l.* on the half-year, and 500,000*l.* on the year. Allowing, therefore, for that reduction, I take the stamps at 6,310,000*l.* The taxes and the property tax I take at the same amount, as I believe they will produce in the course of the present year—the taxes 4,348,000*l.*, the property tax 5,380,000*l.*; the Post Office about 10,000*l.* more than last year, namely, 830,000*l.* I take the Crown lands at the same sum as last year; although some alterations may be made in voting part of the expenditure, the revenue would be increased to precisely the same extent, and the net revenue will be the same as under the present system of showing the accounts. I therefore take the Crown lands at the sum of 160,000*l.* I take the miscellaneous receipts at 262,000*l.*; the old stores rather higher than last year, at 450,000*l.*, which will give me an income altogether of 52,140,000*l.* I now come to the charge of the year, and I think the Committee will probably hear with some satisfaction that an increase in the charge for the debt has arisen, contrary to what has happened for many years, from a very large purchase of terminable annuities. That of course provides for the extinction of a certain amount of debt, in the best practicable mode, within a certain number of years; and although a present increased charge is imposed upon the country, yet we shall ultimately derive a benefit from the falling in of those annuities. There is some reduction in the charge of the Consolidated Fund. The amount of the interest on the funded debt, including annuities, is 27,688,000*l.*; that on Exchequer bills is 404,000*l.*, making a total of 28,092,000*l.* The charges on the Consolidated Fund are 2,600,000*l.*; making the charges for the debt and on the Consolidated Fund, 30,692,000*l.* I now come to the estimates for the ensuing year, and I take the charge of the Army, including the militia and commissariat at 6,593,945*l.*, that of the Navy at 6,537,055*l.*, that of the Ordnance at 2,424,171*l.* There is some reduction, but not a large one, in the amount of those three estimates taken together, and the reduction would have been greater, but for certain circumstances to which I will immediately allude, involving partly additional expenses for the benefit of the soldiers, and partly charges of a temporary nature. There is, however, no reduction of force. The Government are not of opinion that, in the present unsettled state of affairs on the Continent, it would be consistent with the best interests of the country that the numbers of our military forces should be reduced. Affairs at present certainly wear a more tranquil and peaceable aspect than for some time past; but it must be remembered that but a few months have elapsed since some million of armed men were arrayed one against the other. Hon. Gentlemen will also remember that a great change has taken place in the means which an assailing Power now possesses with respect to this country. I certainly never have been, and am not now in any way whatever, an alarmist on this subject; but there is the greatest difference between unnecessary alarm and absurd confidence. Those who are best acquainted with these matters, are quite aware that our great ports and arsenals are not in that state of defence which is expedient, and it is necessary to maintain certain means of defending those great depositories of national wealth in the event of any interruption of that peace which I hope may long be preserved. The estimates to be presented contain no large sum, certainly, but still a sum for continuing the defensive works of Pembroke Dockyard, and for strengthening the defences of Portsmouth on the land side. I must say, on the part of the Government of which I have the honour to be a member, that, leaving those matters unprovided for, would have been a responsibility which we were not prepared to incur; and my firm conviction is, that, however strong and however general the feeling for economical reduction in this House may be, the British House of Commons will never consent to leave their country in an undefended and unprotected state. The vote for the three services, Army, Navy, and Ordnance, in the current year, was 20,012,000*l.*; it will this year be 19,555,000.; the reduction, therefore, will be about 457,000*l.* From that, however, must properly be deducted the vote taken last year for the naval excess; and the absolute reduction from the expenditure of that year, in the three heads of the naval, military, and ordnance expenditure, will be 246,000*l.* The reduction would have been more, as I have already intimated, but for two or three causes, some of a permanent, and others of a temporary character. Hon. Gentlemen may remember that my right hon. Friend the First Lord of the Admiralty announced last year that it was thought advisable, for the improvement of the condition of the sailors, that the usual allowance of grog should be diminished, and a money compensation given instead. It also appeared that the amount of provisions allowed to seamen in the fleet was not as great as it ought to be, in reference to the victualling of sailors in some branches of the merchant service; and it was thought desirable that the condition of men in the Navy should be improved in this respect. These changes involve a charge of 80,000*l.* Gentlemen who sat also on the Army Committee will remember that a question was raised as to the rations allowed to the soldiers serving abroad; and in compliance with the suggestions made, as well as with what I have myself for two or three years thought right, we propose to improve the condition of the soldier serving abroad in respect of his rations. In accordance, I believe, with the sentiments of the Committee, we have, therefore, thought it right to diminish the stoppage of soldiers' pay, when serving abroad; a fixed stoppage of 5*d.* a week has been made hitherto; we propose to maintain the principle of a fixed stoppage, but to diminish the amount from 5*d.* to 3½*d.*; and an additional charge will become necessary on that ground of 60,000*l.* These two items are of a permanent nature, and amount to about 140,000*l.* There are some additional changes of a temporary nature of no great amount; one day's pay for the Army more than in the current year, next being leap-year, and the purchase of an annuity charged on the Ordnance in Ireland, which an opportunity has presented itself of redeeming on advantageous terms. The amount of this last charge is 20,000*l.* The miscellaneous estimates voted last year were 4,065,000*l.* Of course it is impossible for me at present to say precisely what the amount of the miscellaneous estimates will be in this year. There is a charge of a temporary nature which I propose to place in the estimates, that has not hitherto been borne by them—the expense of taking the census. In former years that expense has been borne on the local rates: but as it relates to an object of public and general interest, I think it quite fair and reasonable that it should be borne on the estimates. I believe this expense will be about 110,000*l.* Including that sum, and allowing for small additions which may become necessary in the course of the year, I propose to take the miscellaneous estimates at 4,000,000*l.* The total amount of the expenditure for next year, therefore, will be 50,247,171*l.* Deducting that probable amount of expenditure from the amount I have stated as that of the probable income, there will remain an estimated surplus of 1,892,829*l.* The first point which I will bring under the consideration of the Committee is, how this statement bears upon the main question which I propose to submit to them in the resolution, namely, the renewal of the income tax. The amount of the income tax may be taken in round numbers at 5,400,000*l.*; that of the stamp duties concurrently imposed in Ireland was first, I think, 120,000*l.*, but some reduction was effected in them by the Act of last Session, and therefore I will take them in round numbers at 100,000*l.* If, therefore, the Committee should refuse to vote for the resolution which I am about to move, a revenue of 5,500,000*l.* lapses and falls in. Deduct from that the probable amount of surplus, estimated at, in round numbers, 1,890,000*l.*, and there would be a deficiency to the extent of 3,610,000*l.* In the ensuing year, it is true, the deficiency would not amount to quite as much, because half of the income tax, amounting to 2,700,000*l.*, is receivable after the 5th of April; and, taking that into calculation, the deficit for 1851-2 would amount to only 910,000*l.*: but in every subsequent year thereafter—supposing no improvement to occur in the revenue, and no reduction to be made in the expenditure—the annual deficiency would amount to 3,610,000*l.* Those Gentlemen who were Members of the late House of Commons will remember, that when Sir R. Peel proposed the imposition of the income tax for the first time, there was a deficit, on the 5th of January, 1842, of only 2,100,000*l.* That deficiency, however, was, in the opinion of Gentlemen, most of whom sit now on the benches opposite to me, a sufficient ground for the imposition of the income tax, and therefore I can hardly suppose that they will now reject the vote I am about to propose, and thereby create a deficiency exceeding that which then existed by the amount of a million and a half. It is quite true that, at the period when the income tax was first proposed, successive deficiencies had occurred in former years; but they had been provided for by a loan; and, though I frankly admit that the circumstance of a deficiency occurring year after year rendered it imperatively necessary for the House of

Commons to make a great effort to equalise income with expenditure, yet that circumstance did not necessarily point to the description of tax imposed in 1842. Sir, I may be taunted with having myself opposed the imposition of the income tax. I thought then, and I still think, that the grounds which were urged for the imposition of the income tax were not sufficient to justify the passing of that measure. But I stated at that time, when so opposing the income tax, that if it were to be passed for the purpose of covering a great alteration in the import duties of this country—if it were to be applied to the repeal of the duties upon timber, corn, and sugar, I should then be prepared to vote for the imposition of that tax. And I said in subsequent years, that which I have always felt, that the use which Sir Robert Peel made of the income tax, when he obtained it, fully justified him in its imposition. Acting on that principle, I supported the renewal of the tax in 1845, and myself proposed its continuance in 1848; and holding as strongly as ever the opinion that it is desirable to persevere in the selfsame policy on the self-same grounds, I now propose the renewal of the income tax for a further limited period. The timber duties have been reduced—the corn duties have been reduced—the sugar duties, partly by the measure of 1844, partly by the measure of 1846, and subsequently by the measure of 1848, have been reduced; and all these reductions have been productive of great benefit to the consumers in this country. Those measures have been carried into effect which, in my opinion, at that time justified the imposition of the income tax. Now, Sir, if the House is not prepared to adopt this course, let me suggest to them what the alternative must be. There must either be a deficit to that amount in the revenue, or there must be a reduction of the expenditure to that amount; but I don't believe that any person who has looked into these matters can entertain an opinion that it is possible, out of an active expenditure of 15,000,000*l.*, to make a reduction of 3,500,000*l.* Now, if that reduction cannot be effected, it will be necessary to impose new taxes to about that amount; and I ask hon. Gentlemen, if in the present disposition of the country it will be possible to make an increase to that extent? With the common concurrence of the House of Commons for some years past—with the general approbation of the country, and certainly to its great advantage, we have been repealing and reducing the taxes which press either upon the industry or the consuming power of the country, and I do not believe that it will be possible to reimpose those taxes. I believe, further, that there are many taxes still remaining on the Statute-book which it would be most desirable to reduce—taxes which, either in their amount or in the mode of their levy, are far more objectionable, far more oppressive, and far more unjust than the income tax. Sir, when those taxes have been so reduced and repealed—when the duties upon the raw material have been taken off—when those duties which interfere with the process of manufacture have been reduced—when the inequalities, the anomalies, and the injustice which prevail in some portions of our taxation are removed—when the duties on imports and the Excise are so reduced that the consumer can no longer be said to be hardly pressed upon—then, I think, the question will fairly arise, whether it is expedient further to relieve the consumer, or remove a portion of the burdens from the property of the country. But until that is done—until we have removed the imperfections of our fiscal system—until we have carried out and completed that course of commercial policy which we have been pursuing for some years past, and the happy results of which have been felt by the country at large, as I stated only three or four nights ago, both financially, politically, and socially—until that has been done, I hope that neither this nor any other House of Commons will refuse to continue that tax under the cover of which, as an hon. Gentleman truly said the other night, those changes which have proved so beneficial to the country, have been accomplished. I trust, therefore, on the present occasion, that all those who are opposed to any disorder in our finances—all those who believe that a reduction to the extent I have stated is impossible—all those who wish to carry out more fully and completely that gradual improvement of our commercial system which is now in progress—all those who approve of the general view of taxation which was suggested by Mr. Huskisson in 1830, and the effect of which will be rather to remove the burdens from the consumer, and impose them on the property of the country—I trust that all those classes will support me in the proposition with which I shall conclude to-night, for a renewal, for a limited time, of the income tax. Sir, I do not think it would be advisable, on the present occasion, to enter into the details of the measure. In the course of the discussions on the Bill which it will be necessary to submit to the House, ample opportunities will be afforded of raising all those questions which, no doubt, will be raised on the present as on former occasions. I have received remonstrances enough against many parts and many portions of the income tax—suggesting the reduction of Schedule A, the total abolition of Schedule B, and complaining of the injustice of Schedule D; and I am quite ready to admit that exceedingly good arguments may be advanced for exemptions and allowances in every schedule of the income tax, except perhaps Schedule C. But for the maintenance of that schedule, let the Committee remember that the fundholder has our plighted faith. Having considered the subject most anxiously, and I believe read through every word of every debate which has taken place on the income tax from its first imposition by Mr. Pitt up to the present time, and many publications besides, I have come to the conclusion that, upon the whole, the only practicable mode, taking one circumstance with another, of levying the tax, is that which every person who ever proposed the tax has advocated—namely, by an uniform rate on all descriptions of income, from whatever source derived. The question of the mode of levying the duty in Schedule B will doubtless be raised in the discussions on the Bill. I will only say, at present, that I shall be perfectly ready to discuss the question fairly, as it ought to be discussed. I think that those who object to the mode of levying the tax in that Schedule, attach too much importance to the matter, and that the advantage which the tenant could derive from any change, would not be so great as they suppose. But, as I said before, ample opportunity will arise for discussing all these questions during the progress of the Bill. It was during the progress of the measure that discussions were taken in former years; and I think it will conduce to the convenience of the House to pursue the same course on this occasion. There is only one further observation which I feel it necessary to make at present with regard to the income tax, and that is, that I propose to continue the exemption which Ireland has hitherto enjoyed. After the shock which has been given to property in that country—after the diminution which has taken place in its value, and the complete revolution in the condition of almost all classes of property in that country, from which they are but beginning to recover—I think it would not only be impolitic but cruel now, for the first time, to impose that burden upon them. I propose, therefore, to continue the exemption which Ireland has hitherto enjoyed from that tax. I propose to renew for the same limited period the stamp duties in Ireland; for their renewal has always accompanied the renewal of the income tax. And I propose to renew the whole as heretofore for the term of three years. I ask the House to come to a decision with respect to the income tax at as early a period as possible. I feel justified in doing this, because it must be obvious that the financial scheme of the year depends on this question of the renewal of the income tax—that if it is renewed, I ought to be in a position to proceed immediately with the measures which are dependent on its adoption by the House. If, on the other hand, the income tax is to be refused, it must obviously be necessary that the Gentleman who will then occupy the situation I have now the honour to occupy, should have as much time as possible to prepare his financial scheme. Sir, my hon. Friend the Member for Montrose asked me, the other day, or rather claimed the performance of some promise which he conceived I had given on a former occasion, to make a return, as I understood him, of the incidence of taxation; but he hardly seems to be aware that he has imposed on me one of the hardest tasks which was ever imposed on a Chancellor of the Exchequer, because, with regard to the incidence of a great number of taxes at least, the most learned persons differ in the most essential particulars. I may just refer to what occurred during the debate the other night. The hon. Member for Buckinghamshire, who had evidently spared no research in preparing the materials of his speech on that occasion, and who had consulted authorities of great eminence on matters of political economy, expressed his opinion that the malt tax was paid by the producer of barley. Now, I agree with the right hon. Baronet the Member for Ripon, that the malt tax is paid by the consumer. Then take another tax—the import tax on tobacco. The hon. Gentleman seemed to think—although he did not seem to know how to make it out—that the Customs duties on tobacco were a charge upon the landowners of the country. Now, considering the views usually entertained by the party with whom he acts with respect to the duties on imported articles, I should have supposed he would rather have been inclined to consider that the incidence of the duty on tobacco fell upon the foreign producer, because we are generally told that when we impose an import duty on food, the burden of that duty falls upon the foreigner who produces the food. Take another item, which was formerly attended with rather more difficulty—I mean the item of tithes. I had thought it was now generally admitted that tithe was a rent-charge, and formed a portion of rent; but the hon. Gentleman, from the views he expressed the other evening, would seem to entertain a different opinion. Therefore, when my hon. Friend (Mr. Hume) calls upon me for a return with regard to the incidence of taxation, he ought to remember that he is calling upon me to give him that which, after all, is a mere matter of opinion; and I must say I do not think that the Government are called upon to make returns involving mere matters of opinion. Returns, in my opinion, ought to be confined to matters of fact. I am quite ready, however, to state my opinion on any subject on which it may be asked, because I consider it my duty to state my impressions to the House; but those, of course, are only worth the value which hon. Gentlemen may choose to attach to any opinion of mine. I have had prepared a classification to a certain extent of the different items of taxation, and that I am ready to state to the House; and having stated those items, it will be open to the House, of course, to form its own opinion how far they think I have been justified in the classification which I have adopted. It is right I should state to the House how the account is made out. I take the account ending the 5th of January 1850. I have taken the gross receipt of Customs, for instance, including that which is subsequently paid in the cost of collection. I have omitted all incidental receipts, and merely taken the amount paid in duty. I will first of all state the produce of the revenue upon the articles of food, whether solid or liquid, and on tobacco. There are, under the head of Customs, about 45 different articles of this description, including butter, cheese, coffee, corn, currants, lemons and oranges, pepper, raisins, spirits, tea, sugar, molasses, tobacco, and wine, producing 20,893,460*l.* There are three articles of the same description in the Excise—malt, hops, and spirits, producing 10,927,338. The whole revenue derived from what we eat, drink, and smoke, is 31,820,798*l.* There are certain items which come under the heads of manufactured articles—the principal of which in the Customs' department are gloves and silk, together with books, opium, and other miscellaneous articles; and in the Excise and Stamps, paper, soap, medicines, &c.—the whole of which produce a revenue of 2,452,658*l.* Then there are the duties on raw materials, the main items of which are the duties on agricultural seeds, tallow, and timber, producing 764,000*l.* All these duties clearly fall upon the consumer. He is the person who uses manufactured articles, or who consumes the food, or who pays for articles into which the consumption of the raw material enters. The amount of duty collected on all these articles is 35,037,456*l.* There are certain other duties which fall upon trades and professions, such as licences to trade, bills of exchange, receipts, marine insurances, and the income derived under Schedules B, D, and E, of the Income Tax Act. I include in this class the duties paid by persons in the service of the public, because I can see no distinction between persons earning salaries in the service of individuals, and persons in the service of the public. I therefore class Schedule E with that portion of Schedule D, which is laid upon professional income, and I find the amount of all these duties to be 4,464,906*l.* For post horses, stage coaches, railways, and other conveyances, the amount is 648,487*l.* There is paid on newspapers and advertisements, 511,418*l.* The amount of the assessed taxes, excluding the window tax, is 1,491,308*l.* Now what may be the precise incidence of some of these taxes I will not pronounce an opinion. It is obvious that they are not taxes upon property. The amount of all these taxes together is 42,153,575*l.* I now come to what may fairly be considered to constitute, one way or another, taxes upon property, such as stamps on deeds, probate duty, legacy duty, and fire insurance—all, I apprehend, taxes on property—and which amount to 5,188,036*l.* The produce of the land tax is 1,159,324*l.*, but it is quite fair that hon. Gentlemen should take it, as they have done, at 2,000,000*l.*, because it is obvious that the interest of the money paid for the redemption of any part of this tax is so much charge to the land. The window tax I take to be a tax upon property. Schedule A of the income tax is of course a tax upon property, and also Schedule C. The amount of the window tax is 1,856,167*l.*; Schedule A, 2,656,796*l.*; Schedule C, 750,781*l.* The general taxes on property, therefore, amount to 12,451,776*l.* I believe the local rates in the three countries amount to 13,000,000*l.* When the hon. Gentleman made a speech in 1849, he included in local taxes, and properly so, certain tolls, dues, and fees. Now, although they are local taxes, they are not local rates, and do not fall on property. The amount of local rates falling on property I have stated to be 13,000,000*l.*, making the amount of taxation upon property 25,451,776*l.* Tolls, dues, and fees, which fall on persons using turnpike roads, harbours, &c., are not to be included in the taxes on property, but, on the other hand, they ought rather to be classed with the first description to which I alluded. These taxes amount to 3,300,000*l.* The amount of taxation of this description, local and general, therefore, amounts to 45,453,575*l.* I altogether exclude the Post Office from this calculation, because it is, in point of fact, a payment for service done, and because the net revenue of 832,000*l.* derived from that source is almost absorbed by the expense of the packets. Hon. Gentlemen will see how large a portion of the taxes of the country are derived from the consumer, and I may at the same time say that I believe it is pretty easily borne, on the whole, because I find, on comparing the different years, that even when a reduction of taxation has taken place, or when a period of distress has diminished the consuming power of the country, a very short time has usually elapsed before the revenue has been equal to what it was before those reductions or that distress had occurred. I find, for instance, that the reductions of 1842 were more than recovered in 1844—that the effects of the reductions of 1845 were nearly made up in 1847—and that, although 1848 was a period of diminished trade, and consequently of diminished consumption, &c., the revenue in 1849 rose again to nearly its previous amount. Last year, it will be remembered, there was a great reduction in the departments of Stamps and Excise, and yet the ordinary income, I am happy to say, has not greatly diminished. I think, therefore, that 46,000,000*l.* of ordinary taxation may under ordinary circumstances be borne without any severe pressure upon any portion of the country. Now, Sir, having, as I hope, met the view of my hon. Friend behind me, and stated generally the great heads into which our taxation may be divided, I will say a few words on a proposal brought forward elsewhere (and sometimes in this House), that we should undertake a general revision of taxation. Now, I confess, I have never been quite able to understand what it was that Gentlemen meant by this demand. I am certain that the two sides of the House are little likely to agree in the sense which they put upon these words, because I apprehend that what hon. Gentlemen behind me are anxious to arrive at is the removal of duties from articles of consumption and the raw materials of manufacture, and their imposition upon property; while, I apprehend, judging from the speeches and Motions of hon. Gentlemen opposite—and it is clear they amount to nearly one-half the House—that they would be equally anxious to remove taxes from property, and impose them in some shape or other on consumption. So that I do not think that any large scheme of that sort would be likely to meet with great favour. Sir, an hon. Friend of mine has stated that it would be wiser, instead of going on steadily and gradually pursuing our present commercial policy, as we have for the last eight or nine years, to make a great reduction at once in taxation, run the risk of a deficiency, and trust to chance for the recovery of the revenue. Sir, I do not think that such a course could wisely be pursued. I think that nothing is more injurious to the prospects of commerce or trade, or any branch of industry, than either a great commercial or political revolution, and that as in politics so in commerce, it may be said (as once was said by a noble Friend of mine) "the country cannot bear a revolution every year." It might be proper, when a great change was to be made, as in 1842, that some risk should be run. I then felt that a great object was to be gained, and therefore, though I differed in some points from the policy then pursued, I thought it unwise to mark that difference, except on one or two points where I found principle was departed from, and so I gave a cordial and unhesitating support to the measures proposed. But that policy, I take it, is now firmly established, and all that remains is that we should steadily year after year pursue it, keeping principles constantly in view, and carrying them out as the altered circumstances of the country fairly allow us to do. That, at least, is the course which the present Government have pursued ever since we came into office, and I believe it to be a course which it is for the benefit of the country should be pursued; and it is that which we are prepared to pursue so long as the House shall continue to us its support. In having thus, I hope not to the dissatisfaction of the House, stated generally the views of the Government as to the pressure of taxation and the policy that ought to be pursued, I will revert to the subject more immediately before us. I have stated that the probable surplus at the end of next year will be about 1,890,000*l.* But before I go farther I will advert to an observation which I saw was made elsewhere by an hon. Friend of mine—that any surplus we might find in this or any other year would be mainly owing to the large sums placed at our disposal by the taxpayer, and not to any reductions we have made in taxation. Sir, I do not think that is a fair view of what we have done. If the hon. Member will compare the income of 1847 and 1850 (the year of the last balance sheet and the corresponding period), he will find, no doubt, that in spite of great reductions of taxation which have taken place, there is an increase of income of nearly 739,000*l.* But if he will compare the expenditure also, and take the expenditure of the Army, Navy, and Ordnance (the three great items of expenditure), he will find that the expenditure for these three services, in 1847 was 18,500,000*l.*, and in last year 15,391,000*l.*; showing a reduction in three years of not less than 3,100,000*l.* Sir, that may not go perhaps as far as the wishes of some hon. Members behind me; but I think that the House generally will do us the justice to say that we have not been neglectful of economy, and that having reduced in three years more than three millions, we at least do not deserve to be told that no portion of the surplus is owing to our exertions in that respect. Sir, I now come to the proposal I shall make to the House on the supposition that the income tax is renewed. In 1845, the late Sir Robert Peel, proposing to renew the income tax, stated what he should do if that renewal were conceded; and following that example, I think it is fair now to state to the House what I propose to do in the event of the renewal being agreed to. It must be obvious that what I can do in other respects must fall to the ground if the renewal should not be granted. I think that the first claim upon us is for some reduction of our debt. I stated last year, that since 1830 we had borrowed 35,000,000*l.*, and that we had paid off 8,000,000*l.* Having, therefore, in 20 years, of uninterrupted peace, contracted 27,000,000*l.* of debt, I do not think we ought to abstain from grappling with the reduction of that debt. I am not one of those who think it desirable that we should make a great effort for the reduction of our debt; but I do think that we ought from year to year to maintain a reasonable surplus, so that with no unforeseen necessity for increasing the expenditure there should be a certain amount applicable to the reduction of our debt. I am happy to say—I confess I say it with more pleasure than I can express—that in the course of last year we have paid off a sum equal to the 2,000,000*l.*, borrowed in 1848, together with the interest accruing upon that sum; the actual sum paid off up to the quarter ending the 5th of January last being 2,330,000*l.* I am happy to state, also, that the surplus at present accruing is such as to justify a hope that we may be able, in the course of the ensuing year, to pay off a sum nearly equal to the amount paid off last year. I hold that it is essential that we should maintain in every year a reasonable surplus, in order to provide for a certain, though a gradual reduction of our debt. Now that we have got our expenditure and income into a fair state, it is only necessary that we should exercise a little self-denial in the remission of taxation in order to achieve the object to which I have referred. I am not disposed to put the surplus at which we should aim very high; but I am of opinion that we ought never to begin the financial year with a less surplus than 1,000,000*l.* This, after all, is only about the fiftieth part of our expenditure. A private individual who should manage his domestic economy so that his fixed expenditure should fall short of his probable income only by a fiftieth part would not, I think, be considered as acting a very prudent part; and, applying the test of what would be thought right in an individual to the income and expenditure of the country, I think I am not making a proposal at all calculated to shock any Gentleman in this House, however anxious he may be to have taxes reduced, when I propose that we should endeavour to aim at a surplus of about 1,000,000*l*. As to the disposal of the surplus available for reduction of taxation, I have had no want of claimants. I think I have within the last few weeks received deputations from almost every class of persons who pay any sort of tax, each stating that the tax they paid was by far the most partial, and iniquitous, and unjust; and some of my hon. Friends who came up with more than one deputation must have been amused at hearing their friends make the same statement as to several different taxes, any one of which would absorb the whole surplus. Among those various classes of taxes, I have had to decide which, on the whole, I thought it most for the benefit of the country to repeal. This year it is obvious that it would be impossible to reduce taxation to anything like the amount which has been asked, or even to the amount which has perhaps been anticipated by many persons. They must be taken, however, more or less, in their turn; and I hope those parties whose duties I am not prepared to reduce will give me credit for being anxious as soon as I can to remove the irregularities that exist in the taxes of which they complain. I fully admit that I should have been glad to meet the views of many of the claimants, if I had the means in a larger surplus, and I must regard their claims as only postponed to a more favourable opportunity. Some must come before others, and I hope that all parties will be satisfied with seeing that I am proceeding in the direction they would wish, and I hope the revenue of the country may so increase in future years, and the expenditure be so reduced, that we may be able to go further in the direction in which I am proposing to proceed. I must say, that of all the claims which have been put forward—though I cannot meet it to the extent, I fear, which will satisfy the parties who have made the request—that one which bears upon the health, the comfort, and the well-doing of the lower classes has the first place—I mean the claim for an alteration of the window duties. But, when I state that the amount of the window tax is 1,856,000*l*., it must be obvious that the request which has been made, and for which I think a petition was presented to-night—the unconditional repeal of the window duties—would absorb the whole surplus of which I have to dispose; and I confess that, objectionable as many Gentlemen may think the window tax to be, I cannot but feel that it would be unjust to many other classes paying taxes that the remission of the window duties should be allowed to absorb the whole of the surplus, believing, as I do, that the objections to the tax which I consider of the strongest and most pressing nature, namely, those founded on its operation upon the sanitary condition of the people, may be altogether removed without the remission of any portion of the tax. I do not, however, propose so to deal with the tax, but I propose to give considerable relief in amount. And I am the more disposed to do so, because it presses more hardly on country houses than it does on houses in town; and under present circumstances I am not unwilling to give that benefit to the country gentlemen. Last year the hon. Member for Dorsetshire (Mr. G. Bankes) was one of the most eloquent advocates for the reduction of the window duty; and as he may fairly be taken for an exponent of the feelings of the country gentlemen on this matter, I hope they will consider I am meeting the views expressed by one of the most prominent members of their party. Except as to the mode of assessment there is a good deal to be said in favour of this tax; and there is a wide difference between imposing and retaining a tax. I do not say it would be one of the most convenient taxes to impose if no such tax were in existence; but the question is not of imposing, but of retaining that to which people are already accustomed, to which the various interests concerned have to a great extent accommodated themselves; and, be it observed, moreover, that the property upon which it is levied has, within the last fifteen years, been relieved to a very great extent. From this property has already been taken off the whole of the "inhabited house duty," and part of the window tax, and to facilitate their repairs, there has been a remission of the brick duty and the duty on glass. Independently, then, of other considerations, I cannot think that in this respect the property to be benefited by the absolute repeal of this tax has the primary claim to relief; and if any Gentleman will make the circuit of the outskirts of this great metropolis, or, indeed, I might say of any of our large towns, he will see street upon street rising up in a manner to me most astonishing, and which does not look as if this description of property were at a discount. I must, however, admit, Sir, especially with a view to those considerations to which I have referred, that the mode of levying the tax is most objectionable. It induces parties to shut up window after window, and confine the unfortunate tenants in an atmosphere most prejudicial to health. The tax, if strictly levied, is payable on any opening, however small, for light or air. And I have heard from those who, like my noble Friend the Member for Bath, have visited the houses of the poor—and especially from medical men, whom I have seen in great numbers on the subject—statements which I cannot disbelieve or disregard as to the degree to which they attribute the spreading and perpetuating epidemic disorders among the poorer classes in large towns to the deprivation of light and air, to which in one way or another the window duty conduces. We have given, Sir, to the working classes an improved command of food and clothing; it remains now to go one step further, and to endeavour, so far as we can, to improve their lodgings and their dwellings. Now, the present tax is a tax imposed upon houses according to the number of lights or windows they have; and I propose altogether to repeal that mode of levying the assessment on houses, and to substitute as a principle a tax according to the value of the houses, and to apply it without restriction to all new houses. I am aware that great objections were taken during the existence of the old house tax to the test of value. We were told that it was unjust that large houses in the country should pay less than smaller and more valuable houses in towns. I think, however, that this objection, specious and popular though it may be, is not one founded on equity or good sense. The acknowledged principle of a house tax is that, whether the party be owner or occupier, his house is supposed to be proportioned to his means. I do not think that the size of a house is an indication of the means of a party; on the contrary, it very often is a cause of poverty; but I think that the value of a house is a fair test of the means of the owner or occupier. If the party be occupier, he may be naturally supposed to pay such a rent as he can afford; if the owner, he receives a rent proportioned to the value of the house. Therefore, although I am aware that the objection is a popular one, as I said before, I think the experience of some years has probably induced people to take a view which I consider to be more just and sound; that in this, as in other matters, the fair criterion of the value of the thing is what it will fetch, either in the way of rent or price. Sir, other modes of levying the tax have been suggested; it was proposed to me to levy it, not on the number of windows, but on the cubical contents of the house, or the whole area of the openings; but, apart from the impracticability of these plans, they are exposed to the same objections as the test of the number of windows; for it is just as desirable that these poor people whom we are so anxious to relieve should have a large and airy room as a sufficient opening to admit air and light. Discarding, therefore, these plans, I propose to adopt as the principle upon which the tax is to be levied the value of the houses. But in adopting this rule in all new houses, I feel it necessary to make considerable modification in the mode of applying it to existing houses. I hope I have profited, Sir, by the lesson I got last year in an attempt to remove some of the anomalies of the stamp duties. I adopted a principle of which hon. Gentlemen on this side of the House approved, namely, the *ad valorem* duty, and I reduced the amount very considerably upon smaller transactions, but, to a certain extent, I increased it upon larger; and, though Gentlemen who represent property generally might naturally be expected to be opposed to such a change as I proposed, I certainly was not prepared for the views maintained by some Gentlemen behind me, who are generally not unwilling to take taxes off consumers and place them upon property. But in this case they concurred in the opposition, and I was obliged, as my hon. Friend the Member for the West Riding said the other day, in order to carry out a sound principle, to sacrifice considerable revenue. In these cases anomalies cannot easily be removed without either sacrificing such a revenue as I cannot very well give up, or creating an amount of dissatisfaction which it is not worth while to incur for the sake of the object. I propose, therefore, to modify the tax in regard to existing houses. I found it impossible to adapt the principle of value to existing houses without making such a universal change of the actual amount paid as hardly any one would suppose; and, as the gratitude of those exempted would by no means equal the dissatisfaction of those who had to pay more, it was a plan that would, I think, have raised opposition which I was not prepared to incur. The present tax is levied exclusively upon the number of windows, and to substitute the test of value would utterly change the amount paid in a very great number of cases. A house in a fashionable square would pay infinitely more in proportion than a house in an unfashionable quarter. At present, a shop in Regent-street pays no more than a shop with the same number of windows in a very different class of street. I conceive that it would be very unwise to attempt to make the change in that way. It was stated the other day, at a meeting of the window-tax payers who came to Downing-street, that two houses, one worth 50*l.*, the other worth 20*l.*, pay the same amount. The method to which I am referring would greatly raise the payment of the one, and depress that of the other; the gratitude of the one party, as I said, would not equal the dissatisfaction of the other; and the change would not very fairly meet the justice of the case. The proposal I shall make will be this:—I shall propose that upon all new houses, the value of which shall be 20*l.* a year and upwards, the house tax shall be calculated at a certain rate per pound; that all houses now paying the window tax, but of a value not amounting to 20*l.* a year, shall be exempted altogether; and that all houses of the value of 20*l.* a year and upwards, now paying window tax, shall pay two-thirds of the present amount levied—that they shall pay a house tax which shall once for all be two-thirds of what they now pay. Of course, Gentlemen will understand that the window duty will be entirely done away in future; a man may open 50 windows in his house if he pleases. There is a certain class of houses now, above the value of 20*l.* a year, but not paying window duty at all; I propose to impose upon them two-thirds of the lowest amount of window tax paid by any houses, leaving it, of course, free to them to open any number of windows. I propose to provide that, in the event of an increase of value to the amount of 20*l.*, or half the present value—whichever is the least sum — by additions or alterations, they should then pay the poundage upon it. The old rate of house tax was as follows:—Upon houses between 10*l.* and 20*l.* a year, 1*s.* 6*d.* in the pound; upon houses from 20*l.* to 40*l.*, 2*s.* 3*d.*; upon houses of 40*l.* and upwards, 2*s.* 10*d.* I have calculated, as nearly as I can, what would be the amount equivalent to two-thirds of the present window tax, and I find that it will be fairly met by a tax of 1*s.* in the pound upon a house of the value of 20*l.* a year and upwards. The lowest class of houses, then, from 10*l.* to 20*l.* a year, which paid 1*s.* 6*d.* in the pound, will pay nothing at all; the class from 20*l.* to 40*l.*, which paid 2*s.* 3*d.*, and those above 40*l.*, which formerly paid 2*s.* 10*d.*, will now pay 1*s.* in the pound—that is, new houses. There are houses which enjoy at present an advantage in respect of the window tax; I mean those a part of which is used for shops. In his plan for modifying the house tax, Lord Althorp proposed to give a certain advantage to houses of that description, and I think that is quite fair. I propose, accordingly, that houses, a portion of which is used for exposing goods to sale, shall, instead of paying 1*s.*, pay 9*d.* in the pound. I propose to extend the same advantage to houses occupied by persons licensed to sell wine, spirits, or beer to be drunk on the premises; and to farmhouses occupied by tenants. The result of the proposal, if the House shall adopt it, will be as follows: to exempt altogether from taxation about 120,000 houses which now contribute to the window tax; to bring into taxation, at the rate of 12*s.* a piece (two-thirds of the lowest window duty), about 30,000 houses; to exempt, as far as I can judge, the great majority of farmhouses in the country, because I believe, very few, rated alone, would amount to 20*l.* a year; upon the remainder to impose a tax equivalent to two-thirds of the window duty which they now pay. The financial result will be this:—The produce of the window tax is 1,856,000*l.*; I calculate that the loss from exemption of houses under 20*l.* will be 150,000*l.*; that leaves 1,706,000*l.* payable on the new scale by houses at present paying the window tax. Of one-third of that they are to be relieved, leaving 1,137,000*l.* I expect to receive 18,000*l.* from 30,000 houses at 12*s.* a piece; making the produce of the future house tax 1,155,000*l.* The loss to the revenue, therefore, will be 701,000*l.* The Committee will observe that all reference whatsoever to windows, or the number of lights or openings, being entirely done away with, the objections to the tax on sanitary grounds are altogether removed. No man need stint himself in the amount of opening for air or light which he may wish to have. Of houses now paying window duty, 120,000 will be altogether exempted, and all the rest will have their tax reduced by one-third; a certain number of houses now exempt will have a slight tax imposed upon them; but, in return for that, there will be no regard had to the number of openings that may be made in them. The first proposal I make, then, is the substitution for the window tax of a house tax calculated in the manner I have stated. The next proposal I shall make to the House is in regard to the duties upon coffee. Gentlemen will see, by reference to the tables of trade and navigation, that the revenue from coffee has materially fallen off in the last two years; in the last year it has fallen off no less than 77,000*l.*; and this great reduction is connected with a point frequently brought before the House—the admixture of coffee with chicory. Now, though I do not often allude to personal matters in this House, I hope I may be permitted to take the opportunity of referring to a statement which I have seen, that I myself have a direct interest in the question, being myself a grower of chicory. I have been told by many gentlemen who have come to me upon this subject that that is generally believed. I am not generally very sensitive to attacks; but when a thing of that kind is spread abroad, I think I have a right to say, that though the public press has a perfect licence to refer to conduct and character, such a matter as this should not be stated as a fact when it is not the fact. I never grew a root of chicory in my life; to the best of my belief, not a single root was ever grown upon my property; and, so far as I know anything of the cultivation of chicory, for I never saw it, except upon the road side, I do not possess an acre of land from which chicory ever will be grown. I do not think that, as has been frequently asserted, the mixture of chicory with coffee diminishes the use of coffee. I believe, on the contrary, that the mixture to a great extent promotes the use of coffee, because, while chicory is not injurious to health, the experience of many grocers has proved that the price of the coffee being thus reduced, it is placed more generally within the reach of the lower or working classes. Some time ago a committee of a commercial body came to me to complain of the adulteration of coffee with chicory, and they put into my hands a paper, in which I found an account that I will quote to the House, because I think it bears very directly upon this point. It was an account containing the answer of fifteen grocers in one of our large manufacturing towns to certain queries that had been addressed to them, and they stated that they charged their lowest price, from 1*s.* to 10*d.* a pound for the same coffee which they sold in the bean at from 1*s.* 4*d.* to 1*s.* 2*d.* So that after it had undergone the additional process of grinding, it sold cheaper than when it was in the bean, and, of course, that could only be accounted for by the mixture of chicory. But that article was thereby brought within the reach of many persons who would otherwise in all probability have been unable to obtain it. I hold in my hand a circular from a firm (Abbiss) in the City, who say—which entirely agrees with what I have heard from other parties—that they have found an immense increase in their coffee trade in consequence of the admixture with that article of chicory—that the coffee thus mixed is considered much more palatable than the pure coffee by their customers—and that many of them have expressed their approval of the mixture. I may further state that in America, where there is, I believe, no duty on coffee, a similar mixture takes place; not with chicory, but with other articles. I find, in a book sent to me on this subject, extracts from two New York papers, which perhaps may amuse, if they do not instruct the House. The one is a statement that a merchant on one of the wharfs in Boston had sold 8,000 casks of peas, to be burnt and ground with coffee; and the other is a report that "Canadian peas are dull in consequence of the decline in coffee." I have been called upon in the course of the last year to prevent adulterations in sugar, pepper, coffee, tea, and half-a-dozen articles. I believe, upon the whole, the buyer must protect himself. If he does not like the ground coffee, he can buy it in the bean; and, on the other hand, if the merchant sells an unwholesome and unpalatable article, he will lose his customer. I am not prepared, therefore, to incur the odium or the difficulty of imposing a new excise duty on chicory, much less when that duty will fall upon an article of agricultural produce that I believe the hon. Member for Essex, whom I see opposite, knows to be a matter of some importance in the quarter of the county from which he comes. But it is quite fair to attempt to meet this adulteration by a reduction of the duties on coffee. I hold in my hand a return of the quantities of colonial and foreign coffee entered for consumption in the last five years. The quantity of colonial coffee entered in 1846 was 23,794,716 lbs.; in 1847, 27,030,907 lbs.; in 1848, 30,146,707 lbs.; in 1849, 29,769,730 lbs.; and last year 28,892,722 lbs. There was, then, in the course of the last five years, an increase in the quantity of colonial coffee entered for consumption to the extent of 5,000,000 lbs. In the case of foreign coffee, however, the duty upon which is 6*d.*, as compared with 4*d.* a pound upon colonial, the result was very different. The quantity of foreign coffee entered in 1846 was 12,998,345 lbs.; in 1847, 10,439,672 lbs.; in 1848, 6,959,000 lbs.; in 1849, 4,661,344 lbs.; and in 1850, 2,335,546 lbs. While, then, the consumption of colonial coffee increased during the last five years by 5,000,000 lbs., the entries of foreign coffee have fallen off by upwards of 10,000,000 lbs. The inference, I think, is clear, that the differential duty is telling most strongly against the admission of foreign coffee, and I conceive that if we intend effectually to reduce the price of coffee, we must reduce the duty upon both colonial and foreign. I do not believe, indeed, that the present protection is of much value to the colonial producer; for if hon. Gentlemen will refer to the accounts for the last year they will find that while the consumption of coffee in the course of the year was about 31,000,000 lbs., more than 36,000,000 lbs. were imported from our colonies, being about 5,000,000 lbs. more than this country could consume, and of that excess more than 3,000,000 lbs. were exported. I propose, therefore, with a view to do justice to the consumer in this country, and to promote the consumption of coffee, to reduce and to equalise the duties both upon foreign and colonial coffee, and to impose upon all coffee an equal duty of 3*d.* a pound. At the same time I propose to reduce the duty upon foreign chicory and other similar substances which have hitherto paid the same duty as foreign coffee, to the same rate of 3*d.* a pound. This reduction of duty will amount to 176,000*l.* The next proposal I have to make relates to an article respecting which a good deal of discussion took place last year—foreign timber. Hon. Gentlemen will remember that great complaints were made last year on the part of shipbuilders in this country of the unfair competition to which they were exposed in meeting foreign ships built with untaxed timber. I cannot say I think experience has shown that the injuries they have sustained are of a very serious description. I find that the number of first-class ships built in this country is increasing, instead of diminishing, and in the port of London ships are now being built to foreign orders. This shows that the building of ships of the higher description is cheaper in this country than in those foreign States of whose competition we have heard so much. But between ships of the first class and those of an inferior description there is some difference; and I think the builders of vessels of the lower class in Sunderland and some of the northern ports have something to complain of in the amount of duty they pay on foreign timber. I propose, therefore—and the proposal is grounded also on a consideration of the expediency of reducing the cost of all raw materials in this country—to reduce the duty upon foreign timber. I do not know that I received many thanks for the measure I proposed, and which was adopted last year, with regard to the brick duties, though some hon. Gentlemen on the other side did tell me that I had contributed in some degree to facilitating the erection of those buildings required for carrying out the modern system of agriculture. When I went home at the end of the Session I was told, with reference to buildings upon my own property, "It is a pity you did not defer the erection of these buildings until after the duty upon bricks was reduced;" and I have no doubt myself of the beneficial effect, in this respect, of the reduction of the brick duty. But if a great diminution was made in the cost of buildings required for an improved system of agriculture by the reduction of the duty on bricks, the cost of such buildings will be still further diminished by reducing the duty upon timber. The timber used in the western districts of England, which are principally manufacturing districts, comes generally from America; while the timber imported into Hull, Leith, Yarmouth, and other eastern ports, to supply the agricultural districts, is obtained from the Baltic. The duty upon the colonial timber used in the manufacturing districts is merely a nominal duty, while a high duty is paid upon the Baltic timber, which comes into use in the eastern ports. I propose, then, to reduce the duty upon foreign timber to one-half its present amount. The duty upon sawn timber is now 20*s.*, and upon hewn timber 15*s.* I propose to reduce the duties respectively to 10*s.* and 7*s.* 6*d.* Some persons may perhaps wish that I should go further. I can only say, that even if I were prepared to take off the whole duty eventually, I should not go further than I have stated in the present year; because I believe, if I were to do so, that there is not sufficient competition on the part of colonial producers to bring down materially the price of foreign timber; and I should therefore be merely putting so much money into the pocket of the foreign producer. There is another article which I have already mentioned, upon which I propose to reduce the duty. I stated in the classification of taxes that of three principal items of raw material upon which a heavy duty remains, one is agricultural seeds. I do think that in this respect the agriculturist suffers great injustice. There is a heavy duty upon his raw material, and it is the only duty the agriculturist exclusively pays, and from this impost I think he ought to be relieved. The amount of the duty is not large, but it obviously does raise the price of that which is essential to good cultivation. I believe that Dutch cloverseed is generally supposed to be better than that grown in this country; but I find that upon the importation of clover and grass seed alone there is raised a duty of 30,000*l.* out of the 35,000*l.* which is the whole amount this duty upon seeds produces. I think, therefore, in justice to the agriculturists, that this raw material should be relieved from duty, as the raw materials of most of our manufactures have long been. I remember hearing from a large farmer in the north of England, when the former reduction of the duty upon agricultural seeds took place, that he actually saved in the price of his cloverseed the whole amount of his income tax. I do not propose altogether to take off the duty, because I find on inquiry that it is desirable with a view to the examination of the foreign seed, that it should be warehoused; but I propose, instead of the present duty of 5*s.* per cwt. on foreign, and 2*s.* 6*d.* on colonial seeds, to levy a duty of 1*s.* a cwt. upon all seeds. The amount of this reduction of duty will, I believe, be about 30,000*l.* The reduction of the duty on timber, to which I before referred, will amount to 286,000*l.* I am not now stating the loss to the revenue, because some portion of it will be recovered, but the actual amount of duty reduced. These, then, are the proposals I have to make with regard to reductions of taxation. Hon. Gentlemen may remember that upon more than one occasion an appeal has been made to the Government to take upon the Consolidated Fund a portion of what are called the burdens upon land. I have stated more than once the insuperable objections which I feel to do this to any large extent. Various Motions have been made by hon. Members, the effect of which would be to charge the Consolidated Fund to the amount of 2,000,000*l.* or 3,000,000*l.* annually. My own belief is, that it would be most impolitic to remove this burden from realised property, and to transfer it to the consumer, to the industrious artisan, and thereby to impede his exertions, and diminish his means of comfortable existence. But I have always stated that I feel still more strongly the political objections to such a course. If I were anxious to bring about a social revolution in this country, I would urge above all things a system of centralisation, the throwing the responsibility of all local administration upon the Government, and imposing upon the Consolidated Fund the payment of local charges. I do not think it is desirable that we should lose the check which now exists on such expenditure. When parties upon the spot, who have to pay the money, can check the expenditure, they have every inducement to keep that expenditure down to the lowest amount. But we know by recent experience in Ireland how great a disposition there is to swell expenditure where those who have the distribution of funds are not the parties who have to pay the money. I believe, also, if the responsibility of everything that might go wrong in any portion of this country was brought to bear upon the Government, it might cause a popular excitement, and bring upon them an amount of unpopularity which no Government could sustain, and the worst of revolutions might be caused by some outrage or local disturbance, which under the present system of local government would be suppressed at once by the local magistracy or authorities. My firm conviction is that the safety of this country depends upon the number of persons who, in one part of the country or another, take their share in the administration of its affairs; that it is to the local magistrates, to jurors, to the boards of guardians, to the local commissioners, to the boards of finance, of lighting, and of paving, and to the municipal bodies in the various towns, that we must look for the best administration of local government; and I believe no greater mistake could possibly be made than to adopt the system to which I am sorry to see there is at present, for different reasons, a great tendency—to displace the local bodies, and vest the administration entirely in a central Government. I believe that if you transfer local payments to the control of the Government, you must also transfer to them the management of local affairs, for the paymaster is always the real controller of these matters. It is impossible that the central Government should make the payments while the local bodies retain their control. If you take the payment out of the hands of local bodies, you must also deprive them of the control they now exercise; and I believe you could not strike a more fatal blow at the stability of our institutions than by adopting such a measure : therefore to any such transfer on a large scale, I entertain the very strongest objections. But, on considering this subject, I think there is one charge—on a portion of it at least—which may be thrown upon the general revenue of the country, without our incurring any of the dangers to which I have adverted. It is a charge which has been recommended to the favourable consideration of Parliament by more than one report of Parliamentary Committees; it is a charge of a very exceptional nature, and which I think may be in part defrayed from the public purse without being open to any of the objections to which I have alluded. I refer to a portion of the charge for the expenses of pauper lunatics. The Committee of the House of Lords on the subject of the burdens on land recommended that the whole of that charge should be thrown upon the Consolidated Fund. For the reasons I have mentioned, however, I do not think it right to take the whole charge, because that cannot be done without depriving the bodies of visiting justices of the control they now exercise; and I do not believe that it is possible properly to regulate the lunatic establishments without the constant supervision of those gentlemen. I propose, therefore, only to take a portion of the charge, so as in no way to oust the visiting magistrates of their superintendence. In some counties of England large lunatic asylums have been built, and considerable expense has been incurred for this purpose. I think, therefore, that such counties are more entitled to our consideration than those which have not incurred such expenditure. I propose, then, to take a portion of the charge of the maintenance of pauper lunatics, and to take a larger share of the maintenance of those confined in county asylums than of those who are confined in private establishments. I propose to take such a portion of the expense as will leave the cost still to be borne by the parishes little more than that of maintaining ordinary paupers. It is a reason for taking some portion of this charge that no foresight, no sacrifice, no care on the part of the ratepayers can prevent the charge from being thrown upon the parishes. It is attributable to no neglect of theirs; it is the act of Providence. I think it is desirable to encourage them to send unfortunate individuals to the asylums. On the other hand, I think it very desirable not to encourage them to keep in the asylums those who may safely be removed, because it is notorious that the probability of a cure in such cases depends almost entirely upon parties being sent to the asylum at the earliest possible stage of the disease. I am acquainted with a case where there was great difficulty in clearing from an asylum a number of harmless idiots, in order to make room for those whose admission at an early period of the disease would, in all probability, lead to their speedy cure. I have not been able to make any precise inquiries on this subject, because I did not, of course, wish to intimate to any persons the course I intended to take; but I estimate the charge for this purpose at 150,000*l.* I am speaking of the united kingdom. I propose to take a portion of the expense of all pauper lunatics confined in public asylums or private madhouses in England, Scotland, or Ireland, upon the public funds. These are the proposals which I shall in due time submit to the House. The reduction of duties, and the consequent relief afforded to the country, will be as follows: On sugar, 330,000*l.*, on windows, 700,000*l.*; on coffee, 176,000*l.*; on timber, 286,000*l.*; and on agricultural seeds, 30,000*l.*, making, altogether, a relief to the public amounting to 1,522,000*l.* I do not, however, estimate the loss to the revenue at anything like that sum. I have already stated that I conceive the Customs revenue will make up in other items the whole of the loss upon sugar. The loss in regard to the window duty will, of course, be a total loss to the full amount of 700,000*l.*, that being the difference between the amount of the widow duty I repeal, and the amount of the house duty which I substitute. I believe the loss upon the reduction of duty on coffee and timber together will not exceed 400,000*l.*, and the loss upon agricultural seeds I calculate at 30,000*l.*, making altogether a loss to the revenue of 1,130,000*l.* But, in addition to this, is the charge which I propose to lay upon the revenue by transferring from local rates to the Consolidated Fund part of the charge for lunatic asylums, amounting to 150,000*l*. This will consequently cause a further loss to the revenue; making it altogether amount to 1,280,000*l*. Deducting this from the surplus of 1,892,000*l*., it leaves for future years a net surplus of 612,000*l*. But it will be remembered that half a year's amount of window duty will have to be received in the course of the next year, which, amounting to 350,000*l*., will make the surplus for the next year amount to 962,000*l*. The surplus for future years, however, should the House consent to a renewal of the income tax, will be 612,000*l*. I do not think it can be fairly objected to me that I have endeavoured to retain too large a surplus. These, then, as I have already said, are the proposals which I shall make to the House, in the event of their acceding to a renewal of the income tax. Of course, knowing as I do how much larger a surplus has been anticipated, I cannot but expect that some disappointment will be felt by parties in this House as well as out of it at finding that the amount of reduction that can be afforded is less than they expected. Knowing also the views which are entertained by many Gentlemen opposite on the subject of an extensive transfer of local rates to a charge upon the general revenue, I cannot but expect that they should be diappointed at finding that I do not consider it just to the community at large to transfer a larger portion of local rates as a charge upon the general funds of the country. My own firm belief is that these local rates are not any charge upon the occupiers of the soil. I believe that they fall upon the owners of the land. I do not think it is consistent either with good policy as regards our institutions, or with justice to the other classes of the community, to relieve the land from those local burdens to a greater extent than that which I have now done. I cannot, however, feel myself open to the reproach of having, in dealing with the general taxation of the country, been regardless of the claims of gentlemen connected with the possession of land. The hon. Member for Buckinghamshire told us the other night that the stamp duties were a charge on land, which he considered, and justly—justly to a certain extent—to be a set-off against the probate and legacy duty. Now, the House will remember that I last year proposed a reduction of the stamp duties upon deeds, the far larger portion of the benefit of which would fall to the share of the owners of land, to the extent of 500,000*l*. Last year also I proposed a remission of duty on bricks, and I now propose a reduction of duty on timber, which is much used in the construction of farm buildings and barns. Indeed, I am of opinion that there is no duty the reduction of which will relieve the owners of land to so great an extent as the reduction of duty on timber. I am most anxious to assist them in the improvement of their property, and in the improvement of the system of husbandry, by the removal of every species of tax which impedes this improvement, so far as I can do so in justice to the other classes of the community. I know there are some Gentlemen who entertain an anxious desire that the loan granted for drainage last year should be extended to farm buildings. I would remind Gentlemen what took place last year on this subject. While stating my own individual objections, I said that, as far as the public revenue was concerned, I had no objection to the loan being extended to farm buildings. Words to that effect were actually introduced into the Bill, in order that the subject might be discussed; it was discussed, and more especially by Gentlemen representing counties. I remember the hon. Member for Somersetshire saying that I had behaved most fairly in giving a full opportunity to consider the subject. But what was the result? Of the county Members of England and Scotland who divided on the measure, there were 36 against the loan being extended to farm buildings, and 12 for it. But, as I have said before, so far as the Exchequer is concerned, there can be no objection to the proposal; however, there were last Session three to one of the county Members who thought it a boon which it was not advisable to accept. Individually I have no hesitation in saying I concur in that opinion; but let it be understood that the objection to its adoption did not come from the Chancellor of the Exchequer, but from the country Gentlemen. I can only say that if they should have changed their mind, and wish that that extension of the loan should be made, there are ample funds still left, the whole amount granted last year not having been taken up either in England or Scotland. Therefore, if it should be the opinion of the majority that the money should be so applied, it is still open to them to have it so applied. I shall oppose no objection on the part of the Exchequer, although I hope, as a country gentleman, I may be at liberty to state my opinion upon the subject. I can only say upon this, as upon any other proposal which may be made with a view to mitigate the effect of any measure of legislation which may be considered to operate oppressively on the agricultural interest, I shall be perfectly ready (I assure hon. Gentlemen I say it with all sincerity) to discuss those proposals with the utmost frankness, and with the utmost disposition to consider them in all their bearings, with a view, if they should be well founded, to their practical adoption; but I cannot think that there is any portion of our taxation which presses unfairly upon that interest. I consider the wellbeing of that class connected with the proprietorship and cultivation of the land to be inseparably mixed up with the wellbeing of the community at large; and, therefore, that the system of taxation which is, upon the whole, best for the entire community, is also best for them, as part and parcel of that community, and whose interests are indissolubly joined with it. I do not know that there is any other point on which it is necessary for me to trouble the House at present. The proposal I shall put into your hands, Sir, will be simply for a renewal of the income tax, and of the stamp duties in Ireland. If any alteration in those duties should be proposed, the more convenient time for discussing such a proposal will be in some one of the stages of the Bill itself. If it be the wish of hon. Gentlemen that I should not this evening ask for a vote, I am perfectly prepared not to ask them for it. I only wish to point out to them that, by agreeing to a resolution this night, they are not precluded from making any general proposition with respect to the modification of the income tax at a future stage of the measure. My proposal is, that the tax be renewed for a period similar to that for which it was renewed on a former occasion, namely, three years. I will only further observe, that it is desirable on every account that no longer delay than what is necessary for a full discussion of the question should be allowed to take place, whatever opinions hon. Gentlemen may entertain respecting it.

Motion made, and Question proposed—

"That, towards raising the Supply granted to Her Majesty, the respective Duties in Great Britain on Profits arising from Property, Professions, Trades, and Offices, and the Stamp Duties in Ireland, granted by two Acts passed in the sixth year of Her present Majesty, and which have been continued and amended by several subsequent Acts, shall be further continued for a time to be limited."

MR. HERRIES said, that he had listened with great attention to the elaborate speech of the right hon. Gentleman the Chancellor of the Exchequer, but he would beg to remind that right hon. Gentleman that the details of his financial scheme, with regard to the window duties, coffee, chicory, timber, and other matters, must necessarily be subordinate to the decision which the House might come to upon the question whether the property and income tax should be continued or not. Of all questions which now excited the mind of the country, that was perhaps the most important; and he did claim from the Government, therefore, that which they were apparently quite prepared to concede—ample time for consideration before the House was called upon to determine the question, should this tax be continued or not? The concluding portion of the speech of the right hon. Gentleman was so far satisfactory that it indicated upon his part and that of the Government a desire not to press this question precipitately or even hastily. He presumed, therefore, if the subject were postponed to-night, that the right hon. Gentleman did not intend to bring the House to its discussion at an earlier period, at least, than Friday next. He was sure the right hon. Gentleman would accept that proposal— [The CHANCELLOR of the EXCHEQUER: Hear, hear!] On the part of hon. Gentlemen on that (the Opposition) side of the House, he had not the most distant intention of offering anything like obstruction, or interposing unnecessary delay; but this was a subject upon which some delay was really required. And the House ought to have time to consider the measure proposed by the right hon. Gentleman, and to weigh well all the circumstances under which they were called on to agree to it. The right hon. Gentleman must be aware that there were peculiar features in the present condition of the country, and in the prospects of public affairs, which rendered this question more difficult, perhaps, than on any former occasion when it had been introduced to the House. Having reason to hope that time would be given until Friday to come to the discussion of, and a decision on, the question, in the interval he would avoid everything that should even tend to the expression of an opinion on his part with regard to that which would be most wise, prudent, and politic in this important crisis of our public affairs. He would content himself with only showing, further, that there could be no object or desire on the part of any hon. Member to give any other vote upon this question—this great question, for great it was in every point of view—than that which should conduce to the present welfare and the future satisfaction of the country.

Lord J. RUSSELL was quite sure that the right hon. Gentleman who had just addressed the House would not interpose any unnecessary delay upon this question; and he thought the proposal that the House should go into Committee again on Friday next, with a view to its discussion, was a perfectly fair one, and one in which he could entirely agree.

Mr. HUME thought it right that time should be given to consider, not only the statements which the right hon. Gentleman the Chancellor of the Exchequer had made, but his omissions also. He regretted that the right hon. Gentleman was not prepared to make any reductions in the establishment of the country, the estimates he had given them being within 150,000*l.* of those of last year. They were told that because two million of men had appeared in arms somewhere, that this country could make no reductions in the Army. He must confess that he was disappointed, because after what was stated by the noble Lord last year with regard to his colonial policy, and of the determination of Government to withdraw the troops and to make the colonists pay for their own troops, he thought that the right hon. Gentleman would have found there was a large field for reduction, and that we might have expected in the course of this year the fruits of that reduction. He knew no reason why the Canadians should not govern themselves. The clergy reserves had been given up to them. He thought it became a question whether we were to keep troops there. They were quite unnecessary, and he was informed that if we gave them up, the Canadians would not maintain them for one day. The question was whether the country was satisfied with the expenditure amounting to 54,000,000*l.*, which, including the costs of collection, was the amount, and whether the House would take any steps to effect a reduction in our civil and military establishments. It seemed to him that there was great delicacy in dealing with the civil establishment. He should have expected that the Government would have come forward, and that from the Crown downwards we should have been relieved, with a view either of dispensing with the income tax altogether, or of repealing other taxes. He confessed that he would rather see removed the soap tax, the paper tax, and all other taxes which press upon trade, than the income tax. But if they were to be continued, and the income tax too, then it became a question whether they should not dispense with the income tax. The right hon. Gentleman had misunderstood an observation that fell from him (Mr. Hume) when this tax was proposed three years ago. The proposition was made that it should be continued for three years; and he moved a substantive Motion that it should be continued for only one year, in order to afford time for an inquiry into the whole incidents of our taxation, and with a view of effecting such improvements as might be made in the mode of collection. With regard to the income tax there were great objections to the present mode of levying it. He always regarded it almost as a robbery to charge the same per centage upon terminable incomes as upon incomes which were not terminable. He had no hesitation in saying that it was impossible to go on with the present amount of taxation, and he could not believe that the agriculturists would allow these large and expensive establishments to be maintained as at present. A Committee upstairs during the last three years had gone through the estimates of the Navy, Army, and Ordnance, to an extent of which the Minister could avail himself, and he had expected that Government would have been prepared to show reductions in all those establishments, and also in the civil administration. But not a word had been said about it. Everything was to remain the same, and there was to be no alteration either in the home or the colonial establishments. He thought the country would be disappointed, and he was disappointed, because he knew that Government had the information before them on which to found the reductions. With regard to the window tax, it was quite right to remove it; but he must say, as to the house tax, that while they had been spending years in simplifying taxation, the proposed house tax was of a most complex nature, and he thought it would be a year before the regulations could be brought into operation. He trusted that the House would repeal the window tax, and not impose the house tax. With regard to coffee he thought the reduction proposed was a wise one, and that it was better to have one duty on both foreign and colonial. He also thought that the right hon. Gentleman was acting wisely in refusing to put an excise duty upon chicory. As to timber, the only objection he had was, that the reduction did not go far enough. At the same time there was some truth in what the right hon. Gentleman said, that it required time for them to get the supplies. He believed, as was stated some years ago, that if our shipbuilders had fair play, we should become as pre-eminent for our manufacture of ships as we were now for any other article, as we had peculiar facilities for shipbuilding. It was also proposed to reduce the duty on agricultural seeds. He had only been surprised that country gentlemen had been so long silent on that head. They constituted a raw material, but a most important material; and in 1842 he expressed his regret that the duty on seeds was not taken off. He hoped that country gentlemen would see the importance of having seeds at as low a price as possible. With regard to pauper lunatics, he could not see why they should become a charge upon the public any more than other local charges. The result of the measures taken by Sir Robert Peel and Lord Althorp in relieving counties of the expenses of prosecutions, had shown the want of wisdom of such measures. That which cost 1*l*. before, now cost 4*l*. or 5*l*. The Government had no check or control; it rested with the county magistrates, and not with them entirely, as from the evidence of the chief constable of Stockport it appeared that there were parties interested in every county in carrying on prosecutions. He entirely disagreed with the right hon. Gentleman as to applying any portion of the surplus to pay off the debt. The paper manufacture was one which might give employment to thousands, and might become as extensive a manufacture as any in the country, not only for our own use but for foreign supply. With the means and materials which this country possessed, it might become as prosperous a manufacture as any we had. The employment it would give, and the mischiefs it would prevent, were incalculable. These manufactories existed in remote parts of the country, chiefly where there was a convenient and abundant supply of water; in each of these localities a little town had grown up around the manufactory; and seeing that there was a decrease instead of an increase, in this manufacture, great care should be taken to avoid throwing the population, so called into existence, upon the poor-rates. It would be much better to repeal the duty on paper, which gave employment to thousands. The right hon. Gentleman boasted of having purchased 2,300,000*l*. of the debt—

The CHANCELLOR OF THE EXCHEQUER : I said that would be the amount paid off up to October, 1851.

MR. HUME : This debt had been funded at 86, and the right hon. the Chancellor of the Exchequer would redeem it at 96, which would be a loss to the country of nearly 250,000*l*. This was not a time to throw away that sum in operations upon the Stock Exchange. How much better it would have been to take off the duty upon soap, than to buy up 1,200,000*l*. Three per Cents. Wherever fiscal regulations interfered with cemmerce and industry, the first object should be to relieve them. By every means let the soap and paper duties be abolished, not only for the relief which would be thus afforded to our people at home, though that would be great in every point of view; but as a means of enabling this country to become an exporter of soap, instead of being dependent on other countries for its own supply. The Government would, of course, buy stock at the market price; but when a surplus arose, the first question was, how it could best be applied? Instead of applying it to paying off two millions and a half, or 2,300,000*l*. of the debt, as he understood the right hon. Baronet to say, let it be applied to the removal of taxes pressing on industry. This was not applying the principle laid down by Sir Robert Peel in 1843; nor was it carrying out the principles of free trade. There were numerous articles of industry which were not yet free. It was said that glass was duty free; but there were kinds which still paid a duty of 50 or 60 per cent. Why not remove all the duties of a protective nature? Why, for instance, should the import duty on gloves be continued, when the price of the article in this country was higher than ever, and a greater quantity was exported? Why not let the consumer have the full benefit of that competition which we had declared should be the principle of our fiscal system, by repealing all the taxes on the products of industry?

The CHANCELLOR OF THE EXCHEQUER: Would the hon. Gentleman go the length of repealing all taxes?

Mr. HUME said, the right hon. Baronet greatly misrepresented him. He did not say, let all taxes be repealed; that was the argument of fools out of doors. But he contended that the application of the surplus ought to be so regulated as to remove the existing impediments to the employment of industry and the investment of capital, for the beneficial employment of which every outlet was needed. To buy up any portion of the debt, with these objectionable taxes existing, would be extremely imprudent. The right hon. Baronet had alluded to the increase of annuities—a favourable symptom; and he did not believe that there would be any fear or risk as to the public faith being kept, so long as they took care not to strain the spring of industry until it broke. He entirely concurred in one sentence of the right hon. Baronet, which had also been expressed by the noble Lord at the head of the Government on a former evening—that the security and peace of the country depended mainly on the number of people who took a share or were interested in the government of the country. Let the occupants of the Treasury bench be consistent, and bear that sentiment in mind when the question of the franchise came on for discussion. The same principle applied to taxation. It was their duty to lessen, by every means in their power, the burdens of the community, in order that they might be comfortable; and in the train of comfort would follow peace and content. But he did not think such a state of things would be realised under the present system.

Viscount DUNCAN concurred with the right hon. Gentleman the Member for Stamford, in thinking that, until the question of the property tax was settled, it would be almost premature to make any observations on the other parts of the right hon. Baronet's scheme. As to the property tax, he thought Sir Robert Peel was fully justified in introducing it along with the changes which he made in our fiscal system, inasmuch as he removed the taxes from the food of the people. So far the experiment had been perfectly successful; and it was mainly owing to that policy that the condition of this country was now so different from that of other countries; for it was the only country in Europe which had any surplus to dispose of. He hoped that if the property tax was re-imposed, it would be done on the same principle on which it had been originally imposed, and that corresponding reductions would be made in all taxes which affected the comforts of the working classes. He had a Motion on the book for Thursday next for the repeal of the window tax; but, as he understood from his right hon. Friend that the arguments he had used on a former occasion had at length convinced the Government of the necessity of repealing that tax, he trusted there was now no difference of opinion between them. He regretted that the right hon. Gentleman, in proposing the repeal of this tax, seemed to cast "a lingering look behind," for he was probably the only person in the country who would have ventured upon the assertion, at the present day, that there was a good deal to be said in favour of the window tax. The right hon. Gentleman said, "Look how much house property has been relieved in the last few years by the repeal of the duties on glass and on bricks." But what relief was this to houses already built? It only applied to those to be built. Another argument had been used—that the window tax ought to be kept on, because people were accustomed to it. This reminded him of the old story about skinning the eels. He feared the proposed arrangements would not be very satisfactory or consolatory to those who looked for a total repeal of the window tax. He thought he was perfectly justified in proposing its repeal last year, though he was told that faith could not then be kept with the public creditor. He feared the proposition of a house tax would cause considerable disappointment to many; he much wished the substitution of that tax could have been avoided.

Sir J. TYRELL thought that hon. Gentlemen opposite should be satisfied with the victory they had gained over the Chancellor of the Exchequer, as far as the window tax was concerned. He (Sir J. Tyrell) congratulated the right hon. the Chancellor of the Exchequer on an admission which he had made that evening—an admission which was great in principle, though small in amount—namely, that on certain occasions the country could have recourse to the Consolidated Fund. He now proposed to administer relief from that source, to a portion of the pauper lunatics of the country, but he would find it a grave question to find out in many cases between paupers who were lunatics, and those who were sane. All medical men confessed the difficulty of determining the almost transparent boundary between sanity and lunacy. His proposition, however, would encourage various parishes throughout the country to send numbers of paupers of every sort to the lunatic asylum. The right hon. Gentleman alluded to chicory. Now it was important that the lower orders of the people should have a wholesome beverage to deal with, and, although chicory, mixed in certain proportions with coffee, made a better and wholesomer beverage than inferior descriptions of coffee, yet it was right that some precautions should be taken against the adulteration of coffee, which had already taken place to so great an extent. The poor man should know what it was he was really buying, and that when he wanted coffee, he was not supplied with parsnips, mangold wurzel, or chicory. He (Sir J. Tyrell) hoped some efficient safeguard would be provided against those adulterations.

MR. W. WILLIAMS said, he was quite sure the right hon. Gentleman the Chancellor of the Exchequer's statement would disappoint the country, as well as that House. If the House wished to force reductions on the Government, they must begin with our expensive establishments. After Committees had been sitting for three Sessions on the Army and Navy Estimates, the Government ought to have been prepared to carry out some very extensive reductions. But it appeared that, whenever the finances were in a flourishing condition, there was always an extravagant expenditure. The expenditure of 1845 had been 2,174,000*l.* less than the expenditure of this year; and what were the circumstances of the country to justify such an increase? At home, tranquillity, peace, and contentment reigned to a much greater extent than was the case in 1845; the colonies were in a state of quiet—there were some misunderstandings, but nothing to warrant such an expenditure as this; and foreign nations had quite enough to do to manage their own affairs: they had neither the means nor the disposition to interfere with us or any of their neighbours. Let the right hon. Baronet state to the House the necessity for the increased expenditure this year over the periods he had named. The expenditure of the Army and Navy was a million more than in 1845. What was there to require or justify that? Sir Robert Peel had carried on the Government peaceably with the smaller expenditure, and why could not the present Government carry it on as cheaply as he had done? They had certainly never carried it on more efficiently. Was it through want of disposition or of ability? As the question would again come before the House, he was not disposed to take up the time of hon. Gentlemen at the present moment. With regard to the window tax abolition and the substitution of a house tax on the principle proposed by the right hon. the Chancellor of the Exchequer, he should say he considered it most objectionable, as it removed none of the complaints urged against the inequality of taxing the houses of the poor from 25 to 30 per cent on the rental, whilst those of the wealthy were only taxed 2 or 2½ per cent. Then, the income tax, also, was an impost that the community expected would be placed on a different principle from that which previously regulated it. But, as further opportunity would occur for the consideration of all these topics, he did not deem it necessary to refer to them more particularly on the present occasion.

MR. ALDERMAN SIDNEY did not wish to anticipate the debate, but could not avoid making a few observations for the attention of the right hon. Gentleman the Chancellor of the Exchequer. The scheme proposed for the reduction of the window duty, by the levy of a house tax yielding two-thirds of the present window duty, he considered a great injustice to houses already erected, and containing a larger number of windows. He would bring to the notice of the right hon. Gentleman that houses hereafter to be erected with fifty or seventy windows, assessed at 50*l.* or 70*l.* per annum, would, under the altered state of things, have to pay some 1*s.* in the pound, or 2*l.* 10*s.* or 3*l.* 10*s.* in the year; whilst the old houses, under the former system of equal value, would have to pay 13*l.* and 20*l.* per annum. As to the income tax, he remembered when the noble Lord at the head of the Government reintroduced the tax in 1848, he proposed it on the ground of its being merely a temporary tax. In 1842, Sir Robert Peel stated to the House that if the tax were to be a permanent one, he would consider it the duty of the Government to investigate how far it pressed on the different classes who paid it. He therefore trusted the House would offer the most determined opposition to the income tax, unless Ministers were prepared to make it more just and equal in its operation. He would never consent to the renewal of a tax which exacted in the same proportion from talent, salary, and daily toil, as from realised property. He should differ with the hon. Member for Montrose, and assert that Government was not to blame for having appropriated a certain portion of their surplus revenue to the payment of the national debt, as, in his opinion, they were bound to leave as little as possible of such a legacy to their successors. In conclusion, he hoped that some important Member on one side of the House or the other would insist that the income tax, if renewed, should be based on fairer principles.

Mr. T. L. HODGES thought that as the brick duties came under favourable consideration last year, the hop duty should not have been overlooked on the present occasion. For the last thirty years there had been great complaints amongst the hop growers, and these complaints had not lessened, but aggravated; and from what he knew of the condition of the farmers in the hop counties, he could undertake to say that Government would be unable to collect the hop duty in the present year.

Mr. SLANEY thanked the Chancellor of the Exchequer for the several reductions which he had made in the taxation of the country, but more especially he thanked him in the name of a great and suffering body, shut up in the courts and alleys of this city, for the removal of the window tax. He himself had visited those places; he had reported on them, and he knew, therefore, the extent of the boon. He fully believed that by relaxing the restraints on the springs of industry, and relieving the burdens which now pressed down the mind of the country, that they would be able—without changing the burdens from one class to another—to improve the working classes so as to make them better, more happy, and more contented. His right hon. Friend the Chancellor of the Exchequer had on a previous occasion stated his willingness to grant assistance to the suffering agricultural interest, in the way of loans for draining. That had been found so useful in his (Mr. Slaney's) part of the country that there had been a general demand for loans, great additional numbers of persons had been employed, and great benefit had accrued. He wished his right hon. Friend had stated his willingness to extend to that suffering interest other agricultural improvements. Why not allow private individuals to make loans? Why not afford them the same machinery, and, instead of coming to the Exchequer, persons close by would be ready to lend their money for the purpose. If there was only the same machinery for putting the charge on the land and receiving it back half-yearly through the medium of collectors, individuals with ample funds desiring investment would be ready to lend the landowner money, which the landowner could not now get, because of the cumbrous nature of the titles of land. Nothing proved it so clearly as the fact that they could not get money on mortgage for less than 4¼ per cent, whilst Exchequer bills were only 2¼ per cent. The reason was, one was a simple mode, and the other was loaded with complexity. The lawyers prevented the getting money cheaper upon land, and he hoped, ere long, those difficulties would be removed. He should conclude by tendering his humble meed of thanks to the Government for the benefit to the industrious classes which the proposed repeal of the window tax would secure.

Mr. FREWEN regretted that the right hon. Baronet the Chancellor of the Exchequer had not announced his intention to remit any portion of the hop duty. He had mentioned to the right hon. Gentleman, when attending with a deputation which waited on him to show the state the county of Sussex had been brought to by that duty, that, in a neighbouring parish to his (Mr. Frewen's), there were at this present time 1,000 acres out of 3,000 thrown on the hands of the landed proprietors; and of that amount a large proportion belonging to a noble Lord sitting on the other side of the House, had been on his hands since Michaelmas 1848. He (the noble Lord) had a very good farm of 450 acres, which he could not let on any terms whatever. A friend of his (Mr. Frewen's) had stated at a public meeting last week—

> "In his own neighbourhood there were many farms wanting tenants. He himself had one for which he could not find a tenant; and he knew that Lord Ashburnham, Sir Peckham Micklethwait, and Sir Godfrey Webster, also had farms, some of them several, which they could not let. They were obliged to cultivate them themselves; and if tenants could not cultivate to advantage, he was sure that landlords using vast quantities of land could not either."

Literally, in Sussex, thousands of acres had been thrown up, and thousands more would be thrown up by next Michaelmas.

The right hon. Baronet the Member for Ripon had said, the other night, that he was only owed 300*l.* in arrears for rent. He (Mr. Frewen) could mention some landed proprietors to whom rents were some thousands in arrear. A friend of his, a liberal landlord, had arrears amounting to nearly 8,000*l.*, and another gentleman had more than 700 acres on his hands. In the eastern part of the county of Sussex alone, the hop duty came to more than 100,000*l.* a year. In 1848 it was more than 117,000*l.*, and in 1850 nearly 116,000*l.*; and when the protecting duty had been lowered to one-fourth of what it was some few years ago, they had, he contended, a just claim for a mitigation of that most oppressive burden. Before a return to cash payments there was no difficulty in paying this tax; but, since 1819, it had never been regularly paid, although the amount of hop plantations had been enormously reduced. In 1819, the amount of hop plantations was 51,014 acres, and the amount of duty — the old duty — 242,076*l.* In 1822, the amount of plantations was reduced to 43,766 acres, and the duty a little more than 200,000*l.* And in consequence of the depressed state of the country in that year, Lord Liverpool's Government sent down orders to the excise officers not to collect the hop duty; and although last year the depression had been much greater in the hop districts than in 1822, and there had been great meetings and deputations, and petitions without end, yet the Government enforced the duty, causing ruin and distress throughout those districts. By a return of last year, the plantations were reduced to 42,798 acres, as compared with 51,000 acres in 1819; so that it could not be said that the plantation was too large. This was the only tax which had not either been repealed or mitigated since the time of the war; and when the protecting duty had been lowered to about one-fourth, he thought that the excise duty should be lowered at least one-half. He must tell the right hon. Baronet that it was utterly impossible that it could be continued to be paid; last year's tax it would be impossible to collect, and the extremities resorted to lately had caused enormous ruin and distress, and excited ill feeling against the Government. Many of their old political friends, who had been strong supporters of the Government ever since they had been in office, had, in consequence, expressed a wish that they would not long continue there.

Mr. COWAN rose to confirm what had fallen from the hon. Gentleman the Member for Stafford, and to assure the House of the general impression entertained amongst his constituents of the extreme injustice of the income tax, as at present existing. He would only refer the Committee to what took place some three years ago, when the present First Lord of the Admiralty had demonstrated in the most powerful manner the unfair mode in which the property tax was assessed, and appealed to the Government to endeavour to make it more palatable to the people at large. He (Mr. Cowan) had presented petitions from the Lord Provost and Town Council of Edinburgh, the Merchants' Company, and Chamber of Commerce, against it, on the ground that the tax upon incomes offered a premium to evasion and dishonesty. He knew instances, also, in which the notices relating to the tax had been transmitted through the post-office, in envelopes open at the ends, so that, without a great breach of confidence, any post-office clerk or messenger could peep in and ascertain the amount at which every person in the city of Edinburgh was assessed. Another remarkable fact at which he could not help expressing his surprise, was, that in the year ending 1848 it appeared that, of the 147,659 persons assessed under Schedule D, no fewer than 34,370, being nearly one-fourth of the number, paid the tax on incomes under 150*l.* This 73,000*l.*, therefore, looked very like ill-gotten gains. He hoped the Government would propose some modification of the tax, or they might ask for a vote on account, and refer the matter to a Select Committee, where he was sure a more just scheme could be devised. He must express his disappointment that the claim of the licensed coach proprietors and post-horse masters was not taken into the favourable consideration of the right hon. Gentleman the Chancellor of the Exchequer. There was no class of the community whose means of livelihood had been so ruinously affected by the operation of railways, and as they had proposed a plan to the right hon. Gentleman, by which they might be relieved without any loss to the revenue, their claim was the more deserving of consideration. He hoped the right hon. Gentleman the Member for Manchester would renew this Session the Motion which he made last year for a remission of the tax on paper and all other taxes on knowledge. With regard to the amount of the duty on paper, it appeared to him that, by the existence of that duty, the country lost on the one hand as much as they gained on the other.

Sir B. HALL said, that when the noble Lord at the head of the Government, three years ago, proposed the income tax, he spoke of extending it to Ireland, when he next proposed to reimpose it. He (Sir B. Hall), therefore, gave notice at that early period, that, whenever the opportunity arose, he would propose the extension of the income tax to Ireland. With regard to the imposition of a house tax, he begged also to give notice that he would take the sense of the House on that proposition. And, as it was desirable to know what strength he was likely to enlist in favour of that Motion, he begged leave to ask his right hon. Friend the Chancellor of the Exchequer, whether the imposition of the house tax was to be confined to Great Britain, or whether it was to extend to Ireland also?

Mr. ALCOCK begged to express his satisfaction at the announcement of the right hon. the Chancellor of the Exchequer as to taking the duty off cloverseed, and he was anxious also to explain the reason why he voted the other night in favour of the Motion of the hon. Member for Buckinghamshire. He did so, not from any view to a return to protection, but because he was one of those who wished to force the Government to give them a full and complete system of free trade. He wanted to extort from them free trade in the important article of barley. The House was hardly aware that one-ninth part of all the cultivated land was occupied by barley. When the hon. Member for Buckinghamshire last year proposed to transfer to the Consolidated Fund a part of the charge for the poor-laws, the right hon. Gentleman the Secretary for the Home Department and Sir Robert Peel proved, that even if the hon. Gentleman had made good his case, it would not have made more than *2d.* or *3d.* an acre difference. But the tax on malt was to the extent of *4l.* or *5l.* per acre, though hon. Gentlemen said it was of no importance at all. Were they aware that a farmer must send twelve quarters of barley to a maltster to get back five quarters of malt? The reason was perfectly obvious. The duty on a quarter of malt was *22s.*, and the expense of converting barley into malt *6s.* per quarter; and, therefore, on five quarters the difference would be no less than *7l.* Such a grievous impost only existed, because the agriculturists had not yet combined against it as commercial men had combined to demand a repeal of the window tax; they had been fighting half for protection and half for a repeal of the malt tax or some other tax, and therefore they had failed to come before the House, or Her Majesty's Government, with any effect or power whatsoever. But, if they did combine, as they had done in South Nottinghamshire, and elected their own representatives, they could not fail to obtain justice, although, apparently, it might be a matter of indifference to that House.

Sir W. JOLLIFFE was obliged to the hon. Member who had just sat down, for having at length admitted that he and the other advocates of the agricultural interest had some reason to be discontented with the present state of things. To his own knowledge, those employed in that part of the country with which he was connected, were suffering severely, and it would be some consolation to them to find that the House in some degree sympathised with their sufferings. They certainly received no sympathy from Her Majesty's Government, or from the Chancellor of the Exchequer. He never listened with more pain in his life to any statement than he had to the financial statement of the right hon. the Chancellor of the Exchequer. Only the other night the Chancellor of the Exchequer, and Her Majesty's Ministers, and Her Majesty from the Throne, described the agricultural interest as suffering from distress. Was there in the statement just made any symptom of consideration for the farmer? How could the farmer sympathise in any way with any one of the propositions? He did not see that the farmer would gain one shilling by the alteration. If he occupied a house of above *20l.* a year value, some one would pay the house tax, which he did not pay before. Another point further showed the right hon. Gentleman's ignorance. He might benefit Scotland and the north of England by taking off the duty on seeds, but he would do infinite injury to the south of England, where the growth of seeds afforded a profitable employment. By raising cloverseed, the small farmer was able to employ labour during the winter; and he believed that reason weighed with the late right hon. Member for Tamworth to induce him to leave that considerable amount of duty on seeds which would now be taken off. He (Sir W. Jolliffe) did not intend to enter with the hon. Member for East Surrey on any discussion of the malt tax; he should confine himself to a few words on the consideration of the budget. The right hon. the Chancellor of the Exchequer had entered into a long detail of the budget of last year, and seemed to say he had done a great deal for the landed interest last year. Considering the two budgets together, he had dealt with a very large sum of money—some two millions and a half of taxes had been repealed, or would be by these propositions, and with that the Chancellor of the Exchequer might have done some little for the land and some little for the tenant-farmer. The right hon. Gentleman claimed some merit for having remitted the duty on bricks. The benefit to the tenant-farmer was best shown by the answer of one of the right hon. Gentleman's tenants, who said, "You built all my farm buildings before you took off the duty on bricks." He (Sir W. Jolliffe) very much doubted whether the man was then much impressed with the wisdom of the Chancellor of the Exchequer. Now the right hon. Gentleman would have to tell his tenant that he had kept on the income tax on Schedule B, but taken off one-third of his own window duty; and he then doubted very much whether the tenant-farmer would not have considerable doubt of the right hon. Gentleman's honesty. But they would have time to consider all these things. All he could say now was, that dissatisfaction with the present budget would pervade all these suffering classes from one end of the country to the other. They would see they could have no hope, no consideration, from a Government who would trifle in this manner with two millions and a half of money. He would sooner have the budget he had listened to of the hon. Member for Montrose, than the budget of the right hon. Baronet the Chancellor of the Exchequer.

Lord D. STUART said, a question had been put to the right hon. Baronet the Chancellor of the Exchequer on a very important matter, which ought to be answered to enable the House to see what they were about. His hon. Colleague had asked the Chancellor of the Exchequer a very plain and a very distinct question. The right hon. Gentleman must know what his intentions were, and it was only common fairness that the House should be put in possession of the fact, whether this house tax, which he meant to call upon them to vote, was or was not to be extended to Ireland? That question had been put quite plainly, and he did think the House had a right to have it answered.

The CHANCELLOR of the EXCHEQUER said, that half-a-dozen questions were sometimes put, and it was not very convenient that he should always rise immediately to answer them. The more usual course was to answer the various questions of the various speakers when the debate was pretty nearly drawing to a close. He assured the noble Lord that he had not the slightest intention of not answering the question, nor of shrinking to answer it. He would answer it at once. What he proposed to do was to reduce the amount of duty which houses paid in Great Britain, and he did not propose to impose any new tax upon Ireland. An observation had been made by the hon. Member for the city of Edinburgh as to the apparent injustice of so many persons receiving incomes under 150*l.* a year, and nevertheless paying income tax. The cause of those persons paying income tax was, their enjoying other sources of income than under Schedule D. If a person had an income from any other source of 1,000*l.* per annum, yet if he also made a profit, though it did not amount to 150*l.* a year, it would appear under Schedule D, and therefore the injustice was, in point of fact, no injustice at all. The hon. Baronet the Member for Petersfield had not practised the principles which he preached. He began by saying he should take time to consider the budget, and ended by condemning it in most unmeasured terms. When the hon. Member for Montrose would propose a budget more to the hon. Baronet's taste, he (the Chancellor of the Exchequer) could not say; but when the hon. Member for Montrose took his position, he would be glad to find the hon. Baronet better pleased. He (the Chancellor of the Exchequer) had always maintained that the rates were not paid by the tenant, but by the landlord. If the result of a remission of the duty on bricks or timber enabled the landlord to give better buildings to carry on the cultivation of the lend, then he did contend the tenant would be benefited by that remission of duties. He never said that the remission of duty on bricks and timber was a direct benefit. As to the present proposal, the tenant would be benefited to the extent of one-third of the present window tax in most cases, and to the whole extent where the house was of less annual value than 20*l.* Thus it would be a distinct boon to all persons occupying houses. With regard to the duty on seeds, it was said that protection should be kept for a portion of the agriculturists who produced seeds; but he thought the unfortunate farmers who did not grow seeds had a right to obtain their raw material as cheap as they could, and ought not to pay a higher price for the benefit of a few of their own body.

MR. NEWDEGATE said, that the theory of the right hon. Gentleman the Chancellor of the Exchequer, that the rates were paid by the landlord and not by the occupier, was contrary to the principle on which ratepayers were elected as guardians of the poor, for they were elected on the principle that they had a direct interest in the application of those funds. He had not heard in the estimate of the revenue for this year, which the right hon. Baronet had stated, what was the amount the right hon. Gentleman estimated he should receive from the duty on corn, and he wished to ask him that question. In the financial statement of 1849, the right hon. Baronet stated that he had expected that the duty for that year would amount to 250,000*l.*; at the rate of 1*s.* per quarter it actually amounted to 617,818*l.* Last year, again, the right hon. Baronet expressed his belief that the duty on corn would yield 250,000*l.* again, and it actually brought in 473,170*l.*, thus exceeding the right hon Baronet's estimate for last year, and proving it incorrect by 70 per cent. This was a very important fact, because, in addition to its being no insignificant sum, at a fixed duty of 1*s.* the amount would give a clear insight into what quantity of grain and flour Her Majesty's Government and the right hon. Gentleman anticipated as the future importation of corn against which farmers would have to compete in the ensuing year. The right hon. the Chancellor of the Exchequer and the right hon. Member for Ripon had adverted to the condition of France on a previous evening, and stated that prices were lower there than they had been for fifty years; and argued that, because prices were low in France, notwithstanding the imposition and maintenance of a high, almost prohibitory, duty on the import of grain into France, that, therefore, protection by the imposition of a customs duty upon agricultural produce into England would not afford effectual protection; but that exceptional circumstances, which they did not show were common to both countries, would have abated prices in this country, as they had in France, notwithstanding the existence or imposition of a duty. But surely these right hon. Baronets, who professed to be political economists, must know that the rule and circumstances which regulate prices in a corn-importing country like England, are totally different from those which regulate the range of prices in a corn-exporting country like France. France had so increased her agricultural produce under protection, that in ten years she had become an exporting instead of an importing country; and the prices in a corn-exporting country were regulated by the prices which the exported surplus could command in the markets to which the export was sent, and were quite independent of the duty imposed at home. Instead, therefore, of the abatement of prices in France being any consolation to the agriculturists of England, as though casual and exceptional, that depression proved that the prices which the surplus corn and flour from France, when exported to this country, commanded in the markets of England, were so low, owing to the competition of other foreigners, that neither the French nor the English farmer could obtain a living or a profit from their produce. The right hon. Gentleman the Chancellor of the Exchequer gave us a continuation of the income tax, without holding out the slightest hopes of a remission of the excise duties, although the case of the hop growers of Sussex and malt-growing counties had been brought before him repeatedly, not only by Members of the Opposition, but even by Gentlemen sitting behind him; and although a very large portion, if not a majority, of the tenant-farmers demanded the remission of the malt tax, as one which was grossly unjust in its operation. In comparison with this, he did not consider the paltry question of 30,000*l.* a year on agricultural seeds as one of any importance. He would refrain from going at length into the large question of the commercial condition of this country; but he must say, notwithstanding the constantly reiterated congratulations with which they were cheered upon the condition of their commerce, that he believed the commercial state of this country was unsound. If the right hon. Gentleman would analyse the state of the cotton trade this year, he would find it to be the bitterest satire which he could peruse upon the whole free-trade system. We did find that there was an increase in the exportation of cotton goods; but where was it sent to? Not to Europe—not to the countries from which we were drawing our enormous supplies of grain, but to China, Asia, and our own colonies; while there was an absolute decrease in the exportation of cotton fabrics to the Continent last year, as compared with the year 1849, to the extent of twenty-seven millions of yards. Yet the House had been constantly assured that the direct consequence of our admitting agricultural produce duty free, would be an increased exportation of our goods to those countries from which we drew our supplies. This was now falsified to the utmost; for the increased demand for our manufactured produce came from our colonies, whom Her Majesty's Government proposed now further to injure by the admission of a differential duty upon their produce coming to this country. He could not agree in the congratulations which he had heard upon the improved condition of the country. The largest section of the population—the agricultural body—was very heavily depressed; and he did not see any prospect of a manufacturing prosperity sufficient to counterbalance that disadvantage. The imports last year had increased from 84 millions in 1845, to about 110 millions, while the exports had at most increased in declared value only from 60 to 70 millions, so that, while our exports had increased 15 per cent, our imports had increased 30 per cent. He could not help expressing his deep dissatisfaction that, after all the admissions in the Queen's Speech of the existing distress, and all expressions of sympathy from the Government, no practical measures had been taken to relieve the agricultural classes of this country.

MR. F. FRENCH said, that, though there was a surplus, the right hon. the Chancellor of the Exchequer had not proposed to divert any portion of it to the most miserable and overtaxed part of Her Majesty's dominions, Ireland. But his hon. Friend the Member for Marylebone, not content with this indifference, actually desired to increase the present amount of taxation on that country. Now, he did not shrink from stating, nay more, he was fully prepared to prove to demonstration, that Ireland already paid at least an equal share of taxation, and bore, proportionately to her means, her full quota of the burdens of the State. Out of the nine millions to which it was said the income of Ireland now amounted, he believed 7,000,000*l.* at least paid income tax through absentees residing in England, or Irish moneys placed in the funds in this country. The hon. Baronet might perhaps, without contradiction, in the borough of Marylebone, lay down the proposition that Ireland ought to be more heavily taxed, but he would fail in this House, because he would always find one or other of the 105 Irish Members prepared to show that it would be the grossest injustice to encumber Ireland with another shilling of taxation.

MR. BANKES would not object to anything which the hon. Member for Roscommon had urged in favour of Ireland, although there might have been a time when he (Mr. Bankes) thought that portion of the country should have had to bear equally with England the heavy imposts to which we were subjected; but now he, for one, was far from giving his assent to any extension of the income and property tax to Ireland, and, in fact, would strenuously resist it. The right hon. Baronet the Chancellor of the Exchequer had dealt in a most unsatisfactory way with the owners of land; and the answer given by the Government to the just complaints of his hon. Friend the Member for Buckinghamshire respecting the burdens upon the soil, was lame and insufficient. But there was a class to which neither that hon. Gentleman nor any other Member of the Administration alluded. They spoke of the landlords and of the tenant-farmers, but they never once alluded to a class who were neither landlord nor tenant, but partook of both—he meant those men who owned and who cultivated their farms—that class which had long stood high amongst the yeomanry of England; these were the men upon whom these burdens and our recent legislation pressed most severely—a class who enjoyed a prominent place in our history, and whose interests he hoped the right hon. Gentleman would not disregard. They had always been loyal, they had never been clamorous—they had not commanding influence, but yet they had claims to the attention of any British Government. As regarded the window tax, it was his duty not only to give his attention to those by whose influence he might be more particularly returned, but to extend it also to the large towns that were situated within his county, and having their interest at heart, as well as that of the rest of his constituents, he had raised his voice against the window tax. He thought that the duty might be changed from windows to houses, greatly to the advantage of the occupiers, and without any great loss to the revenue. He joined heartily, therefore, in the propriety of removing that tax, reserving to a future occasion the expression of his opinion upon the income tax.

MR. MITCHELL had last year expressed the opinion that the remission of the timber duties would give an impetus to our shipbuilding trade. He had the greatest confidence in repeating his belief that the remission of these duties would prove of great advantage to this country, and would give employment to one of the most valuable classes of our labourers—the shipwrights, with whom machinery did not interfere. He did not see why, with untaxed timber, they should not be able to build ships in this country which would in all respects compete with those of foreign build. The reduction of the duty on Baltic wood would increase materially the lower class of shipping, and thus give increased employment to a most valuable set of men. It was also important to other classes. Sir Robert Peel, in 1845, reduced the duty on the most valuable kinds of wood, such as rosewood and mahogany, without altering the duties upon coarse wood applicable to domestic purposes; so that a man who had a table made of mahogany paid no duty upon it, while the poor man was taxed for the deal of which his table was made.

COLONEL SIBTHORP, after his experience of twenty-four years in Parliament, had heard many statements made by Chancellors of the Exchequer, and he had said that, although an angel from heaven came down, he could not please all parties with a financial statement. He (Colonel Sibthorp) begged, however, to say, that, in his humble judgment, he had never heard a more weak statement than what had been made that evening by his right hon. Friend, and, he might add, his most respected relative, the Chancellor of the Exchequer. The Chancellor of the Exchequer, in trying to please every body, would please nobody. The Government had, in fact, set a most unworthy trap on purpose to catch the hon. Members who represented the sister kingdom, and without whom they knew they could not get on. Therefore it was that they proposed to continue the income tax in England, but not to extend it to Ireland. He did not blame the Government, for they had set many traps and spring-guns to catch anything they could get. He only trusted that the Irish Members would not be deceived by the trickery of the Chancellor of the Exchequer, and become subservient to his will. The Chancellor of the Exchequer had announced no intention whatever to relieve the agriculture of the country; but surely that would have been the least he could have done. He ought to have created a surplus for the purpose; and he might have done that by reducing his own salary, and those of others, without continuing the income tax. He (Colonel Sibthorp) trusted, however, that the time would soon come when the Chancellor of the Exchequer would be compelled to listen to the claims of the British farmer. The bird that could sing and would not sing must be made to sing. The pressure had already begun to be applied within the House, and he hoped that would soon be also the case without, and that the Ministers would be compelled to bestow a due consideration upon the case of the most important interest in the country—the agricultural interest.

MR. MUNTZ would not say whether the statement of the right hon. Gentleman was strong or weak; but he would venture to say, like the hon. and gallant Gentleman the Member for Lincoln, that a Chancellor of the Exchequer was much like the painter who, in striving to please every body, pleased nobody. If they had entirely repealed some oppressive and obnoxious tax, they would at least have given satisfaction to somebody; but they had taken away the whole of the grace from their concession of the window tax, by their substitution in its place of a house tax. They were also continuing another tax, which was one of the worst that could be imposed —the property tax. When that tax was proposed by Sir Robert Peel, he (Mr. Muntz) believed he was the only Member on his side the House that voted for it; and he took the course he did on the express understanding, most distinctly given, that the tax was only to last for three years. To his great astonishment, however, when the time came that the tax should have been repealed, it was reimposed; and many hon. Gentlemen, by whom he had been blamed for supporting the measure in the first instance, voted for its renewal. It had been renewed three times; and there was no tax that ever committed such infamous frauds upon society as this. He knew many instances where small tradesmen with incomes just over the 150*l.* a year had been overcharged, simply because it was known that they dared not appeal. He had been repeatedly applied to by constituents who had been treated in this manner, and who wanted to know what they were to do; but, of course, his answer invariably was, that there was nothing that they could do, unless they were prepared to show their books. There was one case, where a man had actually been thus overcharged three successive times; and it must be clear that any tax that could be made so fraudulent was a most oppressive one. That he considered it to be, both as regarded its principles and its arrangements. He had risen more particularly to ask the right hon. Baronet to explain how he proposed to levy the tax on warehouses and similar premises that were rated above 20*l.*, a thing which persons who used manufactories would be very anxious to know.

Mr. W. BROWN: I am induced to offer a few observations to the House in consequence of the statement made by my hon. Friend the Member for Warwickshire. He states, that our exports last year were 70,000,000*l.*, and our imports 100,000,000*l.*; and, consequently, that we must be losers, having so large an excess to pay for. If I mistake my hon. Friend's reasoning, he will put me right. I, as a merchant, take a totally different view of this matter. If we part with 70,000,000*l.*, that is, property that was worth 70,000,000*l.* to the nation, and receive back property that to us is worth 100,000,000*l.*, I consider that we are carrying on a very profitable trade, and that the country is becoming richer. There may be some inaccuracy in the returns; but it is sufficient to support my view of the case, that in a series of years our imports exceed our exports. If the reverse were the case, the country would be losers. The hon. Member for Carlisle the other night stated, that there was great distress in Carlisle amongst the operative manufacturers. This, however, is no argument against the general prosperity. If the fashion changes, and checks and ginghams are supplanted by muslin de laines and silks, as a matter of course the manufacturers of checks and ginghams must be a suffering class, as were the buckle makers when buckles went out; as were the hair dressers when powder ceased to be worn; and I don't believe but that how prosperous soever a country may be, there must from time to time be some distress in one class or another, from the constant changes in fashion that are taking place. But I believe at no period of English history were the great masses of the people so well employed as now. Even in the agricultural districts, where wages are reduced, the labourers are better off than formerly, as the money they now receive goes further in procuring them food and the other necessaries and conveniences of life, than when they got higher wages and everything was dearer. No one can deny that our cotton manufacturers have been well employed and prosperous; but that prosperity has been checked by the advanced price of the raw material. Now, Sir, with respect to the malt duty, how does the matter stand? A most intelligent gentleman, who was formerly a Member of this House, told me he voted for the Motion of the hon. Member for Montrose to remove that duty, but afterwards voted against it, when he found that the maltsters were afraid of malting foreign barley, for that it sometimes heated in the vessels that brought it here, and thus they could not depend upon it; and if malted, the duty must be paid. They preferred malting from English barley, which they could depend on. This clearly gives the English farmer a monopoly of the barley market for malting purposes. If no loss of duty were sustained by the malting of foreign barley, as it comes earlier to market, it would in many instances be substituted. I still think that the landed interest have nothing to complain of. They had an unfair monopoly of this market for many years, and the duty on malt indirectly benefits them. I must apologise to the House for troubling them, although I seldom detain them long; but I cannot sit still and hear fallacious statements made without endeavouring to show their fallacy.

Mr. G. SANDARS said: I have heard the statement of the right hon. Gentleman the Chancellor of the Exchequer with mingled feelings of satisfaction and regret: satisfaction at the large surplus in the hands of the right hon. Gentleman; regret that he has not made a more satisfactory disposition of it. I am not disposed to quarrel with the repeal of the window tax; on the contrary, I have always supported its repeal; but the right hon. Gentleman has done away with much of the grace of the boon by coupling it with a reimposition of a house tax. If the right hon. Gentleman should fill the honourable post he now holds another year—which is exceedingly problematical—I trust he may have a still larger balance at his disposal, and that he will repeal the 5 per cent on the customs and excise, and 10 per cent on the assessed taxes, which at a time of deficiency in the revenue were put on, and which now in a time of surplus ought to be taken off; and also that he will repeal that tax on prudence and forethought—I mean the tax on assurances, which in many cases is 50 per cent on the premium charged, and which forces much business from us to foreign ports; and also that objectionable tax the receipt tax, which, as far as the county trade is concerned, is almost a dead letter. Ask a county shopkeeper for a receipt on a stamp, he would consider it a reflection on his honour, and that you dared not trust his integrity. Sir, I hold a tax is always bad when it is disregarded by the great portion of the middle and industrious classes of the country. The Chancellor of the Exchequer has proposed the continuation of the income tax for three years longer, in its present objectionable shape. I tell the right hon. Gentleman he had better have continued it for twenty-one years, if not in perpetuity—for I believe we shall never get rid of it—nor do I object to a well-adjusted income tax; but I do object, and, if I mistake not, the country will also object, to continue it even for three years in its present objectionable and unjust shape. I ask the House is it fair, is it reasonable, to require the same amount per centage from one who has an income of 500*l.* per annum from the funds, or other realised property, as from one who has the same income from a hazardous trade or profession, which income depends upon his health, his industry, or the sweat of his brow? I ask, is it right to tax the poor tenant-farmer for profits when it is notorious that, during the two last years, in place of profits he has had nothing but losses? Is it reasonable, I ask, to tax the gross income from houses and warehouses in place of the net receipts, after deducting rent, repairs, &c. &c.? Why, Sir, I know a party who should have an income of 400*l.* per annum from houses, and though he had to pay the income tax on this sum, yet from deductions of insurance and sundry repairs last year, he did not receive half this sum. I tell the right hon. Gentleman, unless he modifies his plan to meet these inconsistencies, the country will be dissatisfied, and at all risks the House will refuse to renew the tax. I therefore advise the right hon. Gentleman to reconsider this question with a view to remedy these defects, and to satisfy the country that its principle is just and equitable towards all classes. Sir, we are told by the right hon. Gentleman that the income tax is necessary to enable him to relieve the springs of industry, and to perpetuate that policy which has, since 1846, been adopted by the Government, and a majority of this House. Why, Sir, the great apostle of free trade has told us that the income tax was a necessary consequence of the corn laws. "With free trade," said the hon. Gentleman, "there will be no income tax." The hon. Gentleman expressed himself in figurative language, and called it a fungus growing from the tree of monopoly; "that one great monopoly (the corn laws) renders that tax necessary." This was the hon. Gentleman's opinion before the repeal of the corn laws; we shall, perhaps to-night, or during the debate, learn from the hon. Gentleman what he thinks of it now, and whether he considers it necessary to perpetuate his free-trade policy. Sir, I have said the income and property tax would never be got rid of, but I should make one exception. If the hon. Gentleman the Member for the West Riding should ever attain the office of Chancellor of the Exchequer, or that which his ambition may lead him to aspire to, of Prime Minister, then as one of that hon. Gentleman's constituents, I shall remind him of his past sayings; but I, for one, should be sorry to get rid of this inquisitorial tax through the instrumentality of such an infliction as placing the destinies of this great country in the hands of the hon. Gentleman.

MR. A. B. HOPE experienced some disappointment in finding that the right hon. the Chancellor of the Exchequer had made no mention of the duty on hops. He lamented to say that the class interested in the growth of hops were now ground down. The right hon. Baronet had received various contrariant statements, but he might not be aware that lately the hop-growers of the different districts had come to the conviction that all their divisions must be laid aside, and they must unite to defend themselves by a strong and united resistance to the pressure under which they now suffered. The duty on hops was originally laid on as a war tax; it was more than doubled by Mr. Pitt, and it was never remitted when all other war-duties were taken off. It was in fact just the same now as it was during the war, although the protection had been reduced from 8*l.* to 2*l.* 5*s.* He knew that as there were only four hop-growing counties in all, their case would not meet with such prompt consideration as that of other interests, otherwise their case would not have remained so long unredressed. The hop duty was raised in a manner most arbitrary and vexatious. Relief to other parts of the country had been given, and he must say that when the question of relief from taxation was before the House, he did think that the hop-growing districts were entitled to due consideration.

MR. C. ANSTEY said, it was to some extent satisfactory that the grower of coffee was raised to the same level with the grower of chicory and with the grocer. He considered that to be a valuable concession, and one for which they were bound to thank the right hon. Baronet, it being a principle for which they had long striven. It perhaps was not much to thank the Government for putting the genuine article on a level with the adulterated, but still it was some advantage. They must not suppose that coffee was only adulterated with chicory. All the chicory that was grown, including that for feeding purposes, would not, even if it were all used for mixing with coffee, account for more than one-half of the adulteration. Burnt earth, torrefied or roasted yarn, damaged bread, and all kinds of excrements (for the term was not too strong) were used for the purpose. The evil would never be put a stop to until the Treasury minute preventing excise officers from entering the houses of grocers was rescinded. If the right hon. Baronet wished to abate the evil, let him accept the recommendations offered to him; let him rescind the Treasury minute, and put an end to these infamous practices. If this were not done, he should feel bound —though admitting the value of the concession made—to proceed with his intended Motion on this subject.

MR. HENLEY rose to put one or two questions. There was, he understood, to be 150,000*l.* distributed in the way of aid for the maintenance of pauper lunatics; he desired to inquire if that proposition extended equally to England, Scotland, and Ireland; and he next wished to know on what principle the valuation of houses was to proceed—what was to be the rule with respect to farmhouses to be hereafter built? Was he right in understanding that farmhouses and trade buildings, being under the annual value of 20*l.* were to be exempt from window and house tax, and whether farmhouses above the annual value of 20*l.* were to be rated or taxed at 9*d.* in the pound? As to the income tax, he would ask did the right hon. Baronet intend to insist on the tax, the whole tax, and nothing but the tax, for three years; would there be any alteration or modification as regarded the landed interest? As to their looking for relief in the general prosperity of the country, hon. Gentlemen who made that their cuckoo note appeared to him to be in this predicament: they must either admit that the statement of general prosperity was not well founded, or they must allow that the condition of the agriculturists was in the inverse ratio. How they were to find consolation in that he did not know.

The CHANCELLOR OF THE EXCHEQUER said, that he would not detain the House with any lengthened observations; but he would confine himself to what he had to say in answer to the questions which had been put to him by various hon. Gentlemen who had spoken in the debate. In the first place, the hon. Gentleman the Member for Birmingham had asked whether the Government proposed that any house duty should be paid for warehouses and manufactories? He thought it would have been clear, as it was proposed to reduce the duty on dwelling-houses with respect to their windows, that no such misapprehension could have arisen. The whole of his proposition was confined to houses in respect to their windows. He proposed to repeal the present mode of levying the duty on houses—to take away the consideration of the number of windows, and to substitute a duty to be levied on a different principle. That principle was confined to new houses, and it was the principle of assessing them according to their value. It was proposed also to enable the owners of existing houses to compound on the same principle. Another hon. Gentleman asked what principle he proposed with respect to new houses? It was that of their annual value. So long as the income tax existed, that would afford means of ascertaining their value; but if the income tax ceased, then the value would be estimated in the manner in which it was when the old house duty was in force. Farmhouses, if under annual value of 20*l.*, would be exempt, and if above, they would pay two-thirds of what they paid at the present moment. With regard to new houses, the assessment would be made according to the annual value. The hon.

Gentleman the Member for Oxfordshire asked a question with respect to the maintenance of pauper lunatics. He proposed that the sum in question should be divided between England, Ireland, and Scotland, but he could not say exactly in what proportions. If he might be allowed to say without prejudice to what might be done hereafter, he thought a certain proportion could be paid for each pauper lunatic in the county asylums, and a lesser proportion for those confined in private asylums.

Captain HARRIS thought, after the acknowledgment of agricultural distress in the Speech from the Throne, that Ministers ought without delay to have proposed some alleviation of that distress. He believed Ministers did not dare remove the burdens from the agricultural interest so long as they were dictated to by the party who sat on their right. He did not object to the commutation of the window tax to a house tax; but the latter ought to be viewed with a jealous eye, to guard against its subsequent increase. He should ask whether, considering the great changes which had taken place in legislation in this country, it would not be a wise step to take a revision of the whole system of the taxation and tariffs of the empire. He did not speak then as a protectionist, but as a funded proprietor, and he looked as such to the taxation of the country, and called upon the right hon. Gentleman the Chancellor of the Exchequer to preserve the revenue of the country, and thereby guarantee its credit, and maintain its public faith. When the alteration to which he (Captain Harris) had referred had taken place, a great source of the revenue of the country had been swept away, and it behoved the Chancellor of the Exchequer to face the coercion of interested parties, and not sweep away another important item of revenue. Though they might not live to see the day, he believed that if a Radical Ministry succeeded to power, after having destroyed our institutions, it would renew the duties it now proposed to repeal; yet persons professing to be statesmen listened to that party, and rejected the claims of the agriculturists. They had been goaded on by agitation. Sir Robert Peel had acted on a temporary emergency; but it was for the Government to say whether, that emergency having been removed, they were prepared to do away with the great body of taxation. He (Captain Harris) thought that a *5s.* duty ought to be placed on foreign corn. In taxing articles for the sake of revenue, he would always draw a wide distinction between the necessaries and the luxuries of life. An average of 10 per cent he considered, if applied to every necessary of life, and duties on other articles at a revenue point, would guarantee the payment of our debt, and place the taxation of the country on a firm and substantial basis.

Mr. NEWDEGATE, in explanation, said, the hon. Member for Youghal misunderstood his meaning. What he intended to convey was that if a man brought goods by a much larger amount than he sold, his capital would not long remain.

Mr. WAKLEY, in reference to the effect which the proposal of the right hon. Gentleman for levying a house tax would produce out of doors, predicted that it would meet with a most unfavourable reception. He begged to ask the right hon. Gentleman when he would be able to receive a deputation from the inhabitants of the metropolis upon the subject? It was his firm conviction that the proposition would excite so hostile a feeling that the Chancellor of the Exchequer would not be able to carry it.

Mr. T. B. HILDYARD begged to ask what was the correct definition of "new houses?" There were many houses now in course of erection, which were constructing in reference to the window tax.

The CHANCELLOR of the EXCHEQUER said, he had had the satisfaction of seeing his hon. Friend the Member for Finsbury with a deputation a short time ago, and having then heard all that was to be said upon the subject, he did not think it necessary to receive another deputation. His reply to the question of the hon. Member for South Nottinghamshire, who had asked for a definition of a "new house," and whether all houses not yet assessed to the window tax would be deemed "new houses," was, "such as did not come under the old system."

Committee report progress; to sit again on Wednesday.

PASSENGERS ACT AMENDMENT BILL.

Mr. HAWES, in moving the Second Reading of this Bill, said, that it embraced three objects. The first was to enable the Commissioners to shorten the time which should be deemed the length of a voyage for certain vessels, namely, steam vessels and screw ships. It had been decided by the law officers of the Crown, that the Commissioners could not, under the original Act, make any distinction between sailing vessels and steam ships, though the latter required a shorter time to perform the voyage, and hence it became necessary to take power to alter the length of the voyage. A second object was to alter the dietary regulations. At present, in all cases where passengers were conveyed, it was necessary to take all the articles of food mentioned in the Act, but it was now proposed to enable the commander to propose an alternative diet. The third object was the following: Under the Act as it then stood, when a vessel proceeded on her voyage, she must be declared seaworthy, but if she were driven back by stress of weather, or any other cause, she might put to sea without any fresh examination, or any insurance of seaworthiness. It was, therefore, now proposed to alter the original Act, and to require that in all cases where a vessel put to sea, a certificate of seaworthiness should be required. These were the sole objects of the Bill, of which he then proposed to take the second reading.

Mr. S. HERBERT did not wish to oppose the second reading of this Bill; on the contrary, he thought the alterations which the hon. Gentleman proposed to make in the Passengers Act were quite necessary, and he was very glad that a Bill had been introduced for the purpose. But all that he asked was this—he had himself given notice that he intended to move for a Select Committee to inquire into the working of the Passengers Act as regards short voyages, as contradistinguished from voyages to Australia, and especially with reference to emigration to America, which is at present attended with abuses of the most flagrant description; and therefore he thought it most important, before any Act was passed to amend the Passengers Act, that they should first have before them the evidence which he hoped to be able to lay before the House through the Select Committee. The evils of such emigration which took place principally from Liverpool and Glasgow (and it was from Liverpool chiefly that the Irish emigration proceeded)—the evils of that emigration arose through the absence of all precautions as to health, cleanliness, or the separation of the sexes in the emigrant vessels. Indeed, the state of these vessels was such as to generate disease and immorality of every sort and description; and all he asked of the hon. Gentleman the Under Secretary for the Colonies was to undertake not to press the Bill to any further stage till the Select Committee, which he hoped would be granted, should have reported. The Committee's inquiry, he thought, would be a short one; and they would be able, he believed, to lay before the House suggestions calculated to effect very valuable additions to the measure of the hon. Gentleman.

Mr. HAWES hoped the right hon. Gentleman would not press him to postpone the further progress of the measure. The Bill would effect several practical amendments, which were absolutely required to be passed at once, to meet the necessities of the spring emigration, which was about to commence; while the Committee of the right hon. Gentleman, whose labours, with all the diligence that was possible, could not terminate in less than two or three months, might lead to more extensive alterations in the Passengers Act. He, therefore, thought it better to pass the present Bill first, which would not interfere with any general amendments in that measure, and then he should be very happy to render the right hon. Gentleman every assistance in his Committee.

Mr. HENLEY saw no objection to the provision empowering the substitution of one species of diet for another; but he hoped the hon. Under Secretary for the Colonies would be prepared in Committee on the Bill to give some information as to the average length of passages by steam which it was intended to regulate; because the hon. Gentleman must recollect that some steam-vessels had been out an extraordinary length of time, and severe misfortunes had happened. If a steamer took only fifteen or sixteen days' provisions, and was out thirty or forty days, it was clear the most deplorable consequences must ensue; and, therefore, he trusted the hon. Gentleman would make this matter clear in the Bill. Other parts of the Bill were extremely vague and unsatisfactory. What was meant by the term "putting back?" If a vessel from Liverpool encountered a foul wind, and ran into the Cove of Cork till the weather changed, must she be recertified before putting to sea again? because, if she must be recertified, how could that be done without unlading her? Such a regulation would prove an impediment that would necessarily throw the whole of our emigration into the hands of foreign vessels, because foreigners were not to be subject to it. It would also induce captains to stop out at sea in rough weather in order to evade its vexatiousness, and thereby endanger life and property. He thought the request of the right hon. Gentleman the Member for South Wilts, to have the Bill postponed until his Select Committee should have reported, was a very reasonable proposition.

Mr. HAWES said, he should consider the remarks of the hon. Gentleman the Member for Oxfordshire.

Bill read 2°, and committed for Thursday.

VALUATION (IRELAND.)

Sir W. SOMERVILLE moved for leave to bring in a Bill to amend the laws relating to the valuation of rateable property in Ireland. He was sure every Gentleman connected with Ireland would admit the necessity of a change. The Act 6th and 7th of William IV., which was founded on the principle of a townland valuation for the purposes of county taxation, the townland having made the unit, was followed by the Act of the 9th and 10th of Victoria, under which the valuation was to be made on an estimate of the net value, that was, the rent for which, one year with another, property might reasonably be expected to let. Six counties had been valued under the latter Act. Great difficulties, however, had arisen, which the commissioners under the Act thought to be almost insurmountable in the present transition state of Ireland, and owing to a variety of concurring causes. The appeals were very numerous. In two baronies of Tipperary the cost of the primary valuation was 1,928*l.*; the cost of hearing appeals not less than 440*l.*, or 23 per cent. The cost of primary valuation in another case was 1,225*l.*; the cost of appeals 900*l.*; in a third, the cost of primary valuation was 383*l.*; the cost of appeals, 291*l.*; in another, where the cost of primary valuation was 177*l.*, the cost of appeals amounted to 52 per cent. It was proposed to abandon the valuation of property under the Act 9 and 10 Victoria, c. 110. In the Bill which he desired to lay before the House he should propose to repeal that statute, and to substitute for the valuation under it a townland valuation, which should remain unaltered, except with reference to buildings, for fourteen years, and under which all local assessments, poor-rates, county rates, and the like, should be levied. He believed this proposition to be the best solution of the difficulty that existed. He would add that the commissioner of valuation despaired of being able to effect the object for which he was appointed within any reasonable time.

Mr. SADLEIR said, the Government ought to have adopted the course now proposed by the right hon. Gentleman last Session. If that had been done, a large amount of expense and trouble would be saved. He (Mr. Sadleir) however approved of the Bill, trusting that the right hon. Gentleman would afford every reasonable facility to the owners of land for appealing against Griffith's valuation.

Mr. W. FAGAN wished to know whether the old townlands would be retained, or new ones created, and what steps would be taken to get rid of the appeals?

Sir W. SOMERVILLE said, the old townlands would be retained.

Leave given; Bill ordered to be brought in by Sir W. Somerville and Mr. Attorney General for Ireland.

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Tuesday, February 18, 1851.

Minutes.] Public Bill.—1ª Public Houses (Scotland).

AGRICULTURAL DISTRESS.

The Earl of HARDWICKE said, that a petition from Newmarket, and other districts in the county of Cambridge, complaining of agricultural distress, and praying for revision of the tariff of duties payable on the importation of foreign produce, and for an alteration in the Navigation Laws Repeal Act, with which he had been entrusted, had appeared to him of sufficient importance to justify him in giving notice of his intention to present them to their Lordships that evening. He had also been induced to give that notice, from a desire to afford noble Lords in that House an opportunity of expressing their opinions on the present condition of the agricultural interest. He believed every one must admit that there was no assembly by which such a subject could be more fittingly considered than by their Lordships. Intimately connected as they were with the landed interest, in the enjoyment of large estates, and having the advantage of being thoroughly conversant with the condition of the tenantry and peasantry of the counties in which they resided, they necessarily came to the consideration of that important subject with a mass of information such as no other assembly in this or any other country could possess. Some people might be of opinion—and he believed that opinion had been expressed elsewhere — that their Lordships were not the most fitting body for the consideration of a subject of that kind, because they were deeply interested in the condition of landed property; but he apprehended that that was the very reason why they were, of all persons, the best qualified for the task. He believed that, under the British constitution, their Lordships' House, from the circumstance of its Members being possessed of large landed property and of wealth invested in land, was regarded as the safeguard of the institutions of the country; because their welfare was bound up with the condition of that description of property which was the most extensive, the most important, and at the same time the most fixed. He said, therefore, that they approached that subject with advantages such as no other assembly could possess; and if any one doubted their fitness for considering it, he need only point to the course which had of late years been pursued by their Lordships in dealing with questions affecting them, and ask whether they had not shown throughout that course the utmost liberality and independence, and the most earnest desire to put aside all considerations of personal interest for the promotion of what they deemed to be the public good? The individual Members of that House, and of the other House, in legislating upon that subject, had consulted the most experienced, the most trustworthy, and the most honest statesmen in the country; and they had been induced by the advice of those statesmen to give their consent to the adoption of our present commercial system. They had been told that the repeal of those laws which had formerly regulated the importation of foreign produce, would lead to no material alteration in the value of landed property in this country. They had been told that the different countries of Europe could not supply us with much more corn than we had previously received from the Continent; and that if we were to have any large importations of corn, they could only come under very peculiar circumstances from the United States of America. Those statements had induced many persons to suppose that the proposed new commercial policy would not materially affect the landed interest, while it would lead to the abolition of an impost, against which the popular passions might at any time be violently excited. But the event had completely falsified that anticipation. Session after Session, since the adoption of the new policy, they had been assured by noble Lords opposite that the depression of the agricultural interest was owing to exceptional circumstances, which could not possibly be of long continuance; that such circumstances might from time to time arise, but that, in general, landed property would not be materially injured by their recent course of legislation. But as these statements had never been justified by the event, he thought that circumstances ought to induce noble Lords opposite to look back with some degree of respect on the opinions they had formerly entertained upon that subject, and with some distrust of the wisdom of their more recent convictions. He believed that the party with which he had the honour to act had taken the correct view of that question. They had precisely foretold the condition of the country under the new commercial policy, and we were at present advancing, step by step, precisely as they had foretold that we should do. He was perfectly ready to admit that on the face of things, as stated in Her Majesty's gracious Speech from the Throne, the condition of the people was generally prosperous. In that Speech Her Majesty also expressed a "confident hope" that "the prosperous condition of other classes of Her subjects would have a favourable effect in diminishing the difficulties of the owners and occupiers of land, and promoting the interests of agriculture." But he would ask noble Lords opposite whether they had seen any strong indication that that hope was likely to be realised? He wished they could advance facts and arguments calculated to remove that state of doubt and alarm among the agricultural interest which formed one of the worst evils to which that interest could be exposed. He was afraid he should be obliged to trouble their Lordships at some length with statements of the condition of the agricultural body in his own county. He should, however, first observe, that the petitions he had to present had been signed by large bodies of persons, consisting of tradesmen and labourers, as well as of the owners and occupiers of land. They expressed great alarm at their present condition; they stated that farms were going out of cultivation; that labourers could find no employment; and, in short, they gave a flat contradiction to the statement that all classes in this country were in a state of prosperity with the exception of the owners and occupiers of land, for they alleged that the labouring population were suffering under great privations. He was enabled to confirm that latter statement from his own knowledge of his own county. He should produce to their Lordships some evidence in proof of the allegations contained in the petitions. On the receipt of the petitions, he had thought it necessary to make as minute inquiries as he could with respect to the accuracy of the statements contained in them, and he could assure their Lordships that he had found it very easy to obtain a superabundance of evidence in support of those statements. But he would not trouble their Lordships with all the details which had reached him upon the subject. He had made inquiries among gentlemen in every part of the county of Cambridge—gentlemen of the highest character, and who in many instances had no personal interest in the state of landed property, except as discharging the duties which related to property, or beyond their heartfelt desire to ameliorate the condition of their suffering fellow-countrymen—but he laboured under the disadvantage of not being authorised to state the names of those gentlemen, or of the persons to whom they referred in their communications. He could, however, assure any noble Lord opposite who might feel any curiosity upon the subject, that he would be quite ready to make known to him those names in private. He had no hesitation in saying that, in the county of Cambridge, the smaller owners and occupiers of land, and, in many instances, the larger owners and occupiers also, were in a state of extreme alarm and approaching destitution; that the labourers were without employment, and that the condition of the unions in that county was diametrically opposed to the statements of the Poor Law Commissioners. He would read, as shortly as he could, extracts from the letters which he had received upon that subject. The first of these letters was from the western part of the county, and in that letter he found the following passage:—

> "I will now say a little as regards the farmers. Situated as I am, I am applied to by many, and know the situation of most. I believe the whole of this parish has not made above half the rent the last two years, and that some who were in easy circumstances are now quite straitened, and that several are in that state they do not know how to get on at all; and I feel that, if these times continue, the generality of the farmers must be ruined, and, I think, landlords too. I know two farmers, who took two farms in adjoining parishes to this (I think since 1846), with about 7,000*l*. each. I believe they have each of them lost about half their property, and are now in that state they do not know how to get on. One of them, although he has a lease, has agreed with his landlord to give it up at Michaelmas, 1851."

The following was another extract from the letter:—

> "Many of them have sold their cottages and gardens; and during the last year I have an account of 99 men, women, and children, who have left this place for America, Australia, &c.; and last week I was told by a person here he had had nine cottages offered to him in one day by poor men, who wanted to sell them to go to America; and I have this week been informed by another person there are from 30 to 40 who want to sell, have very lately sold, or are about selling, to go to America, &c., because they cannot procure a living for their families, to better their condition. I think you will agree with me, my Lord, as to what are the benefits to be derived from this boasted so-called free trade, to drive such industrious, valuable men from their native land to seek a living for themselves and families in a foreign land. I should like Lord J. Russell himself should see and hear them; they would tell him a very different tale from what he expresses."

The next letter was from a gentleman in Newmarket. The writer of that letter stated that many farmers in his neighbourhood were only able to maintain themselves for the moment by loans, by sacrificing portions of their property, and by other temporary expedients. He stated the case of a gentleman whose family had, for many generations, been settled in the district, but who had himself been compelled to sell out his property and to emigrate. The noble Earl went on to read—

> "There was another gentleman whose father was one of the most distinguished farmers in the country, who was lately obliged to make an assignment of his property. Believing that under the present state of things he could not meet his engagements, he assigned over his property for the benefit of his creditors, rather than strive to hold on any longer with a certainty of loss. There are many other cases of loss besides those I have mentioned, and those too amongst some, who, in the days of their prosperity, were not unknown to your Lordship."

Indeed, for the truth of this statement, I can vouch, so far as I am connected with the locality in which these persons resided. The next communication to which I have to refer is from Ely. The writer says—

"There is one strong fact which I can adduce in reference to this place, to show the depression in the condition of land; and that is, that we cannot effect sales of it at all, whether for the investment of capital or in small parcels. I have had several properties to try and dispose of for the last four or five months, and could not meet with a single bidding. I have had recently two purchases made, which ought to have been completed at Michaelmas last; the property being out of mortgage and the parties unable to procure a loan, the purchase now necessarily remains over. Not less than 13 small lots were tried last week, and not one of them sold; but two years since not one of them would have remained unsold. Amongst the little farmers the distress is very severe indeed, though they are not the parties who complain most loudly."

The writer then went on to state, that some persons with whom he was connected were in great difficulties, while others had authorised him to make a reduction of 10 per cent in their rental: with this reduction their rents were punctually paid up. Their Lordships had heard, no doubt, that in the county of Cambridge and that adjoining it, there was last year an almost total failure of the wheat crop, occasioned, as it was supposed, by the severe frost which set in just as the plant was coming into blossom. The result had been, that the best land had produced only a very small quantity to the acre. In Ely were some extensive charities from which relief was granted to meet the distress. The remarks which he had made on the statements put forth in those letters were founded on his own acquaintance with the facts. With reference to the desire of the humbler class to purchase land, he had never known them outbid, so anxious were they always to procure small portions of ground for themselves. Their Lordships on the other side of the House would no doubt say that it was the bad harvest in Cambridgeshire which had been productive of the depressed condition of the agricultural body there. Whenever a bad harvest formerly occurred, its evil results would have been in some measure met by a corresponding rise in prices; but the condition of the people was now reduced to it present state, in consequence of the great pressure of the times.

He would now call their attention to some documents which they might think, but which he did not, more important than any he had before quoted, because they might consider them more authentic, being returns of the state of the unions. He had selected the years 1838, 1839, 1840, and 1841, as compared with the years 1848, 1849, 1850, and 1851, to show the state of the various unions to which he would refer. The first union which he would take was that of Caxton, and the following was the statement of its condition on the specified dates. In the Caxton union, at Michaelmas 1840, the expenditure for the year was 3,760*l.*; Michaelmas 1850, 4,049*l.*; increase, 289*l.* The Royston union showed as follows:—

Jan. 1.	Indoor.	Outdoor.	Total.
1838	148	817	965
1839	195	912	1107
1840	188	909	1097
1841	218	918	1136
Average...	187	889	1076
1848	242	1195	1437
1849	239	1065	1304
1850	238	1034	1272
1851	292	1007	1299
Average...	252	1075	1328

The next place to which he would refer was Cambridge, which was a place where, of course, the distress would be less likely to press heavily. The following was the number receiving indoor and outdoor relief in that union for the years specified:—

	Indoor.	Outdoor.	Total.
1838	215	1231	1446
1839	175	1346	1521
1840	250	1357	1607
1841	211	1435	1246
1848	248	1916	2164
1849	235	1917	2152
1850	239	2037	2276
1851	197	1832	2029

The state of the Newmarket union for the same periods was as follows:—

	Indoor.	Outdoor.	Total.
1838	175	1655	1830
1839	349	1612	1961
1840	203	1568	1771
1841	331	1723	2054
1848	419	2448	2867
1849	323	2519	2842
1850	340	2222	2562
1851	419	2272	2691

He would next state the condition of the Linton union, thus:—

Jan. 1.	Indoor.	Outdoor.	Total.
1838	166	942	1108
1839	124	993	1117
1840	137	1018	1155
1841	150	1075	1225
1848	183	1596	1779
1849	201	1401	1602
1850	223	1438	1661
1851	211	1546	1757

The noble Earl then read the following tabular account of Wisbeach union:—

Jan. 1.	Indoor.	Outdoor.	Total.
1838	188	1224	1612
1839	339	1952	2291
1840	227	1736	1963
1841	212	2028	2240
1848	324	2619	2943
1849	404	2606	3010
1850	382	2705	3087
1851	428	2652	3080

The last place to which he would refer was Ely, and the following was the statement he had received relative to that place:—

Jan. 1.	Indoor.	Outdoor.	Total.
1848	181	1066	1247
1849	217	1026	1243
1850	183	1063	1246
1851	246	1224	1470
Total	827	4379	5206
Lady Day.			
1838	187	1440	1672
1839	196	1300	1496
1840	200	1288	1488
1841	222	1449	1671
Total	805	5477	6282
			= 20 per cent.

In speaking of the state of the poor, he begged their Lordships to remember that the statements of the Poor Law Commissioners were not in themselves sufficient evidence to lead them to an accurate view of their condition. There were a great many other appliances and circumstances affecting their condition, into which these statements did not go, such as the local condition of the people, a disposition on the part of the proprietors to give employment, not lucrative, but from charity; and matters of that kind. There was one very painful subject connected with the county, which came to his knowledge, and that in reference to a parish in which he had property. He had always felt proud that a large number of the poorer classes also possessed estates of their own in the same district. He regretted, however, that out of a hundred holders of that description of property, there had been some forty of them obliged to sell their interests, and compelled to abandon their holdings at a considerable loss. It was perfectly impossible to describe the feeling of discontent which was growing up in the county of Cambridge, and he believed that a similar growth had begun in every part of this country, in spite of all the representations which were made. It was thought that many gentlemen were spending their estates, not their income; and the middle classes living on their capital, not on the profits of their labour.

The Earl of Hardwicke

Some persons had a confident hope existing, that the present state of things was merely temporary; that the condition of one prosperous interest in a country would reflect on the others; and that it would be impossible for the manufacturing classes to be prosperous without having such prosperity reacting on the agricultural interests. Now, that might have been the case formerly in this country; but when they knew that one-fourth of what was consumed as food was imported from foreign lands, and that the manufacturer preferred purchasing from the foreign rather than the home producer, he could not argue so favourably of the result for the latter. Where the purchaser preferred encouraging foreign labour, and obtaining his necessaries from foreigners, he could see no prospect of any great relief emanating to the agriculturists from the wealth and improving condition of our manufacturers. There was another point which struck him with great force. They had last year a deficient harvest and depressed prices. In every other year of a similar calamity, it was generally understood that whenever the harvest was bad, the prices in some measure relieved the farmers from the consequences. The imports of foreign wheat and wheat-flour had been for the three specified years as follows, and the prices had fallen, as he would show, in each successive year:—

	1848.	1849.	1850.
Quantities	3,097,879	4,822,077	4,856,038
Price	58*s*. 6*d*.	44*s*. 3*d*.	40*s*. 3*d*.

That state of things had brought about in this country not only great exertions on the part of the people and the owners and occupiers of property here, but also tended to stimulate all the foreign markets of the world. It was impossible they could encourage the importation of so much foreign produce without such a matter tending very much to stimulate foreigners to increase the growth of their lands, and endeavour to improve their systems of production, as the natural consequence of endeavouring to meet our demand. Did they believe for a moment that all which we stated at our agricultural societies' meetings was not read throughout the world, or that our improvements in tillage, general cultivation of the soil, and agricultural implements, were not taken up in many other countries? What was taking place, for instance, in America? There the Americans said, "We are obliged to you for many good hints and valuable suggestions;" and thus we stimulated the Americans to great exertions in the way of agricultural produce, as would be seen by the increase which took place in the quantities exported between the years 1840 and 1849 :—

In 1840.

Beef	19,631 brls.
Butter	1,177,639 lb.
Cheese	732,217 lb.
Pork	66,281 brls.
Hams	1,643,897 lb.
Lard	7,418,847 brls.

In 1849.

Beef	103,286 brls.
Butter	3,406,242 lb.
Cheese	17,433,682 lb.
Pork	253,486 brls.
Hams	56,060,822 lb.
Lard	37,446,760 lb.

In 1849 to Great Britain.

Beef	72,850 brls.
Butter	548,557 lb.
Cheese	16,007,402 lb.
Pork	111,385 brls.
Hams	53,150,465 lb.
Lard	21,388,265 lb.

That was an instance of the manner in which, as they stated, we had stimulated their markets. There were other points in reference to America, which were not generally known. It might seem paradoxical, but it was possible for an American to afford to send a supply of wheat to this country at a loss; that is, to sell it at a price under that which he paid for it. And how did it happen that an American was able to do that? As their vessels would naturally come to this country empty, or in ballast, which was very expensive in loading and unloading, they thought they might as well store their corn in their vessels; and accordingly when their ships came to Liverpool they sold it for whatever money they could get in the market. In the *Liverpool Mail* of Nov. 2, 1850, they found the following statement in a letter from a gentleman employed by the Jews of London and Germany to value the growing crops of America :—

> "The shipowners of America are making much money by carrying emigrants to the States. They are now extensive corn merchants, and are buying largely at very low prices, it being better to carry wheat across the Atlantic and sell it at 2*s.* per quarter less than its cost than to buy ballast, which is very dear in the American seaports."

The Americans then brought over here corn to our market, which they could sell for a less price than that at which they purchased it. What trade could stand against such a state of things as that? Nothing like it was ever heard of in commerce. But the agriculturists were told they could not carry on their occupation profitably unless they improved in their system, and learnt to cultivate more extensively. They were told amongst other things they ought to grow garden-stuffs. Did any of their Lordships ever send out, perchance, the produce of their gardens, and see what price it would bring? A very small amount would be realised out of the produce of the garden. But, moveover, it was not easy to turn men's minds to any new description of cultivation, which it might be thought advisable to recommend from that to which they were accustomed. Now, with respect to the growth of flax; if they wanted any man, in a district where it had never been cultivated, to adopt that as a crop, they should first show him how to grow it; but might it not happen that while learning that science his property might be wasted away; that in the process of instruction the pupil might be ruined? The agriculturists were told to grow other things, but the Legislature did not let them grow what they pleased. Was it for those on the Government side of the House to tell them they were to grow other crops than corn on the authority of their free-trade notions? They would not let the agriculturists grow what they pleased. They could not grow tobacco, even if their soil was adapted to it. Even the growth of barley was prohibited to a certain extent as long as they maintained the duties on malt. Throughout the county with which he was connected there was always a fair description of barley grown, which generally made good beer; but in consequence of a speck on it last year the maltsters had refused to purchase it. Had there been no duty on it that would not have been the case; but in consequence of that little speck on it, it was utterly rejected by the maltsters. The consequence of the present malt duties was this—that barley of the second quality had been sold at only 16*s.* to 18*s.* a quarter, which even now would have fetched 25*s.* under a different excise law. But it was still said the present state of things could not last, and that the supplies which now came from France would soon diminish, as that country could not grow sufficient food to feed its own people. He thought that in consequence of the stimulus which we had given to France, she would grow more than sufficient for their own consumption. It should be remembered what was the situation of France. She had a large produce; but the prices were low in consequence of such large produce, yet the farmer realised from the acre of land a remunerative return. They should bear in mind also, that they were often affected by the mutations of the financial, the commercial, and the political interests of that country. He suspected that they would get no corn from France before long, but would receive flour instead. In places where there were mills with 40 pair of stones, they now had machinery for 100 pair; and they would continue to manufacture flour for the London market in preference to that of Paris, in consequence of the octroi duties imposing 5 francs per sack on flour. At all times would France give us a very large proportion of flour, from her being able to transport it into this country at so very reasonable a rate. But we were told our manufacturing interests were in a prosperous state, and that their general position was satisfactory. By a parliamentary return which had been made of the wealth of the united kingdom it appeared that its annual income was stated at 450,000,000*l.*, of which 250,000,000*l.* were of agricultural produce. Now it appeared from the Chancellor of the Exchequer's statement, that the exports of manufactures in this country from 1840 to 1851 had increased by no less an amount than 11,416,000*l.* To that extent had the condition of the manufactures of the country improved within the time mentioned. The advocates of free trade were constantly saying that they wished to improve the condition of the people throughout the country, and that, though a temporary depression existed at present, their policy would raise the country to a state of greater wealth than had ever before existed. Now, he asked any noble Lord to consider the effect of the agricultural depression of the last few years. The annual value of the produce of land he had stated at 250,000,000*l.*; and if that was reduced by 10 per cent, there would be a loss of 25,000,000*l.* to place against 11,416,000*l.*, the amount of increase in the manufacturing exports. That would not prove that the wealth of the country had increased. His belief was that that was but a beginning, and that a worse state of things would come to pass. Such a state of the debtor and creditor side of the national wealth would certainly have the effect of debarring the people of this country from going beyond a certain point in the policy of free trade, unless some prospect could be shown, some confident hope held out, that the price of corn would rise in the market. He apprehended that the people would not suffer the wealth of the nation to go on progressively diminishing, as it had been doing during the last few years. What was the great advantage held out to manufacturers from a system of free trade in corn? That some improvement had taken place he admitted, but he denied that any very great increase had taken place in our exports in consequence of free trade. In 1815 we exported to America cotton goods to the extent of 68,230,504 yards. In 1835 the exports of cotton goods to America had increased to 74,962,925 yards. In 1835 this country did not import provisions from America. In 1842 our exports of cotton goods to America had declined to 12,855,879 yards. In 1846 they rose to 37,105,895 yards, but as against 74,962,925 yards in 1835. So that in 1846 the exports were less on cotton goods than in 1835 by 37,857,030 yards. How stood the case with different countries in Europe? He would take the five important countries, Russia, Prussia, Holland, Belgium, and France, and would compare our imports of wheat from those countries at two periods, 1845 and 1849, with our exports to those countries for the same periods. They were as follows:—

WHEAT IMPORTED AND DECLARED VALUE EXPORTED TO—

		Imports. Qrs.	Exports. £
Russia	1845	33,764	2,153,491
	1849	599,556	1,566,175
Prusssia	1845	423,743	577,999
	1849	618,690	404,144
Holland	1845	1,614	3,439,035
	1849	308,482	3,499,937
Belgium	1845	983	1,479,058
	1849	366,099	1,457,586
France	1845	32,133	2,791,238
	1849	742,023	634,126

That appeared to him to be a complete case against those who had asserted that our exports would be so greatly increased by a free admission of foreign corn. He thought he had shown that the hope held out of a rise in the price of agricultural produce was based on slight grounds. He had shown that the balance of the trade of the country, as between agriculture and commerce, was against free trade in corn; and now he had to ask noble Lords opposite what they intended to do? Why did they halt between two opinions? Why did they not go a-head? They had got free trade in corn. Why did they not carry out the policy? Because revenue, they said, was necessary. He could tell them that if they went on with their free-trade policy they would not be able to get a revenue. Had he not evidence at the present moment to show that the Government were not freetraders? There was the budget proposed yesterday. In that budget there was a little item which clearly showed the Government were not freetraders. They had put a tax on the importation of butter and cheese, and had relieved the country from taxes of another kind. Why had they not proposed some further relief to the labourer by letting him eat his butter and cheese untaxed? Such a course would have been in strict conformity to Sir R. Peel's policy. The towns were to be conciliated by a pretended repeal of the window tax; but the only relief proposed relating to the agricultural interest was the remission of some few thousand pounds of duty on foreign agricultural seeds. Again he told them that they were halting between two opinions, and that their minds were not made up to go on with their free-trade policy. It would be much better for the agricultural interest if Government took some decided course with regard to dealing with the revenue. The agricultural interest was made up of five parties—the landlords, the tenants, the clergy, the poor, and the Chancellor of the Exchequer or the Crown. Now, every one of these parties had suffered from the reduction in the price of corn except the Crown. There had been an increase of taxation instead of diminution affecting the interest, by the laying on of the income tax — and a greater amount of revenue was still demanded. It was a sad mistake to represent the landed interest as in a flourishing condition. It was struggling to maintain itself, and those engaged in it were living on their capital, unable to obtain a just return for the labour they were compelled to bestow on the soil.

EARL GRANVILLE said, the noble Earl had, with great ability and clearness, stated his views of the depression of the agricultural classes of this country; and no doubt many of their Lordships felt strongly with the noble Earl in favour of a return to a system of protection. He would give the noble Earl every credit for treating with temper, moderation, and impartiality a subject in which they were all so deeply interested. He was ready to admit, in the fullest manner, that the noble Lords opposite, in approaching a question of this character, would deal with it in a spirit of the greatest impartiality and with the fairest consideration for all the other interests of the country. These admissions he willingly made; but the further claims arrogated by the noble Lord for himself, and for other noble Lords beside him, to the disparagement of another class of Members of this House, he could not so easily assent to. When the noble Lord assumed for his own side of the House the exclusive gift of prophecy, he must be allowed to put in his protest. He did not mean to say that no false prophecies had been uttered by the freetraders; he admitted that all their predictions had not been verified. Some had said there would not be even a temporary reduction of rents; but there had been reduction. Nothing was more difficult than to prophesy truly on such questions. Last year some persons spoke of the probability of an immediate rise in prices; but nothing could have been more reasonable at that time, seeing the diminution of the imports, the great consumption going on, and the anomalous state of things with regard to the price of agricultural produce in neighbouring countries. Yet he believed if there was one thing more difficult to predict than another, it was what would be the price of any article, and even of articles less dependent on the seasons than grain, at any particular time; and most difficult of all was it to say at such a given time what price would be remunerative. But when he was told that the freetraders had been wrong in their prophecies, he must be allowed to ask, had the noble Lord's prophecies come true? He had a slight recollection of the predictions as to the country being drained of gold—as to the land being thrown out of cultivation from one end of the country to the other—and as to the labourers being entirely thrown out of employment, and other gloomy forebodings of universal distress. Last year, when several of their Lordships on his side of the House tried to establish the case that the labourers were employed, he remembered that it was first met by a denial; afterwards further returns were moved for, and when it was made out to the satisfaction of the House, that last year the labourers were in full employment, then they were told that these were only accidental circumstances — or "exceptional circumstances," to use the expression of the noble Lord—and that if they would only wait six months longer they would see what would be the condition of the agricultural labourer. But he did not wish to pursue this topic further, because it was only an irritating one; and it was desirable that they should all approach such a question as the present in the best and most conciliatory tone and temper. But he wished to sketch what in the main had been the prophecies on his side of the House with regard to free trade. They had stated that they thought they might repeal the corn laws, and that, without any ultimate disadvantage to the landowner or occupier, it would increase the commerce of the country and promote the welfare and prosperity of the great mass of their fellow-subjects. Now, he said that, with one exception, these prophecies had proved perfectly true. With regard to the commerce of this country, whatever the noble Lord might say, it was perfectly idle to dispute its flourishing state. Why, we were exporting six millions more this year than last year, and sixteen millions more than we exported the year before; and were they to be told that it was all loss to the country? Then the revenue, they were told, could not be continued under free trade; but he would sooner trust to the official statement made yesterday in another place, of what the surplus would be, than to any conjectural diminution prophesied by the noble Lord if we carried out the principles of free trade. With respect to the labourer, he really had not come to the House prepared with all the details he had got on the subject of his condition; for he never dreamed that any question would be raised on the subject. The noble Lord, with perfect fairness, had read to them letters and accounts from parishes in his own immediate neighbourhood. He said, "with perfect fairness," because the noble Lord had read them evidently exactly as he had received them; but he need scarcely remind their Lordships that nothing could be more fallacious than to form a judgment upon the state of the nation generally from the condition of a few particular, and perhaps exceptional, localities; and even these letters seemed to explain to some extent the cause of that local depression, for they proved that, in the noble Lord's own peculiar district, last year, the harvest was bad, and the only difference was, that if they had had such a bad harvest in former times, and the prices of provisions and other articles had been excessively dear, the poorer population, instead of being comparatively quiet, as they had been in that district, would have broken out into riots and other disorderly proceedings. He had sent out for the papers which the Poor Law Commissioners had published and laid on the table of the other House, and on turning to Cambridge he had found, as he had expected, that the noble Lord's statement was fully borne out: Cambridge was one of the six counties of England where there had been an increase of pauperism. These six counties were, Cambridgeshire, Herefordshire, Lincolnshire, Monmouthshire, Rutlandshire, and Shropshire; and they had added 1,723 to their number of paupers since last year. But whilst in these six counties there had been an increase of 1,723 paupers, in all the other counties there had been absolutely a decrease of 69,000. It was, he knew, a very tempting thing to bring forward cases in one's own personal knowledge, and from a particular part of the country; and if he thought proper he could also bring forward cases which he knew personally of estates having been sold at very high prices, and the occupiers were much alarmed lest they should have their estates revalued, and the rental actually increased. But he did not think that such individual instances, when they were considering the reasons for a general measure, ought to be allowed to tell either for the one side or the other. He thought it the less necessary to dwell upon this, because the Government had owned, and did frankly own, that there was great distress existing now among the agricultural classes. He now came to the prophecies made as to the bearing of our recent legislation on the interests of the owners and occupiers of land. He thought there were several circumstances which must tend to the great improvement of land. Foremost among these were the efforts now making by landowners themselves, and he knew that there were cases of noble Lords, Members of that House, who were improving their estates in such a way that it amounted almost to a new purchase of the land. Even among the lower classes of farmers, who were considered as singularly backward in their modes of cultivation, and somewhat slothful in their business, improvements had taken place within the last few years which were quite unknown before. He could not, therefore, believe that these laudable efforts would meet with no result. The noble Lord said, "You told us before of 'exceptional circumstances,' what do you say this year?" He said, "There were still exceptional circumstances;" and he thought in the third or fourth year after a change which would probably bring this country from being one of the dearest to be perhaps one of the cheapest countries of Europe, it was impossible not to expect a temporary and severe shock that would not be over in a few months. When they laughed at "exceptional circumstances," he took them to the case of France to which the noble Lord referred, and said it was entirely owing to the stimulus we had given to France, that she had been able to furnish us with so much food. Now, he had lately had occasion to meet many Frenchmen of different ranks—landholders and manufacturers—and he asked them about the state of their country, and particularly as to its agriculture. Without a single dissentient they all declared that agriculture was suffering under very severe depression; and that in a great many parts the French landowners were utterly unable to collect their rents. The noble Lord said this came from the revolution of 1848. Why, corn at this moment was four francs cheaper than it was in 1848, immediately after the revolution had shaken the framework of society, and stopped the ironworks and the mills, and thrown the workmen out of employment. All the merchants and millowners with whom he had conversed in France said, that although there was not sufficient confidence restored yet to induce men to invest in channels where the remuneration was distant, yet the mills and factories were in full work, and that it was owing to the people being well employed in the manufactories, and food being cheap, that we saw the people look on with apathy and indifference, while the two great powers of the State stood in an antagonistic attitude towards each other. While on the subject of France, and at this moment, when they were considering great commercial changes which caused men of equal honesty and ability to form such opposite anticipations, it was curious to observe the view taken by impartial spectators, who, in looking on, might perhaps see more of the game than those who were engaged in it. It might be trivial to refer to a newspaper article, but he certainly was much struck with one of the most able articles he had ever read, which appeared in a leading French Conservative journal, with regard to our recent commercial legislation, and its effect on and reception by foreign nations. The writer, after recapitulating the various measures of our recent free-trade policy, said that it must be acknowledged by all the world that the experiment had taken such deep root in this country that it was impossible to change it. The article then referred to the effects of these changes on other countries, and said that though the United States had not given so favourable a response to this policy as had been apprehended, the people of America were far from sympathising with their protectionist President, and the project for an increase of tariff duties was not in favour with the nation. The article further alluded to Spain and Russia, States which, in consequence of our policy, had lowered their duties very materially. The tariff of Austria was of a more liberal character, and Prussia was still more liberal than Austria in this respect. Norway had also made changes in her commercial code favourable to our present system. A word or two more as to the condition of the labourer. He found from his official connection with matters relating to Chelsea Hospital that the number of applications for the situation of inpensioners of that establishment had wonderfully decreased. He did not state this as much of an argument, because it was clear that these pensioners, having a fixed income, any reduction in the price of provisions must benefit them. But still it must be gratifying to their Lordships to know that the old soldier, enjoying a pension for his long services, or perhaps his wounds in the service of his country, was able to live in a state of much greater comfort than he could at any previous time, and preferred living among his relations, to becoming an inmate of the establishment. He would take the liberty of mentioning another fact. The Chief Commissioner of Metropolitan Police (whose politics, he believed, were strongly opposed to his own), had stated to him only that morning, that never in his recollection of these vast metropolitan districts had he seen the working classes so comfortable, happy, and well disposed as they were at present. With regard to the prohibition of the growth of tobacco in this country, it was quite idle to talk of that as a hardship upon the farmer; and when it was said that that prohibition counterbalanced the advantage of the corn law to the agricultural interest, it was forgotten that the tobacco prohibition was 200 years old, and that, though it was allowed to be grown in Ireland, it never had been cultivated there. With regard to the malt tax, the noble Lord himself had not advocated its removal; but those who really paid the tax were the consumers of beer and porter; and if it were repealed, other duties must be imposed in its place, and, as the agriculturists would have to contribute their share of any new substitutionary tax, they would not gain much by such an arrangement. It was impossible not to perceive that the amount of land taken for railways, canals, houses, and manufactures, must, by restricting the amount of land disposable for agricultural purposes, relieve it of its burdens, and, at the same time, increase the value of the rent. Yet this was inconsistent with the noble Lord's assertion as to the land going out of cultivation. We saw not only hundreds of thousands of acres of the rich and fertile lands of Lincolnshire reclaimed for agricultural purposes, but the enclosure going on of the sterile downs of Dorsetshire, and every county was adding to its land by putting down hedges and useless encroachments, and every inch of the soil was made available to the plough and the spade; and that was not to be put in comparison with the land required for canals, railways, and manufactures. Now, one thing he thought they had a right to ask of the noble Lords opposite, to which he asked an answer in courtesy, not for the purposes of facilitating debate, and not even for the advantage of the commercial classes of the country, but he asked it for the benefit of the landowners and tenant-farmers who were labouring under difficulties. They ought to know for what alternative they had to prepare—what course the noble Lords opposite, or their friends in the other House of Parliament, intended to pursue with regard to this much-vexed question. In the other House, an hon. Gentleman, high in the confidence of the party opposite, had postponed till the country should decide it, or rather postponed *sine die*, the return to protection, and had turned his attention entirely to burdens on land. Others thought it necessary that there should be an immediate return to protection. He therefore hoped that the noble Lord opposite (Lord Stanley), of great ability and experience, and the undoubted leader of the great protectionist party, would at once inform the House what were his views of the question, whether he thought the agriculturists ought to look to the speedy recurrence to protection, or to the removal of the local burdens on land; and if the latter alternative was the one to be chosen, he (Earl Granville) thought it only fair to the House and to the country that some explanation should be given of the nature and extent of the measures which they wished the Legislature to sanction.

The DUKE of RICHMOND said, he did not rise for the purpose of answering the question which had been put to his noble Friend as the leader of the great protectionist party; but he would never shrink from expressing his opinion upon this subject whenever it was brought under the notice of their Lordships. The noble Earl had alluded to the course pursued in another place by an hon. Gentleman. He must say, that he thought the hon. Member for Buckinghamshire deserved the deepest gratitude of the farmers of this country, for he not only introduced that debate with an ability and eloquence which he would venture to say was scarcely ever surpassed in Parliament, but he stated honestly that he would not call the present House of Commons, which he (the Duke of Richmond) said emphatically, did not enjoy the confidence of the people of this country, to retrace their steps and return to protection; but he did ask them to do that which every one of those men whose opinions changed in 1846 had agreed upon—that the burdens upon land should under free trade be got rid of. That hon. Gentleman stated fairly and truly, that the battle of protection must be fought upon the hustings of England. Yes, it was there it must be fought, and it was there, he believed, it would be won. But he did not think that it was the duty of the Opposition to enter into the details of the measures which they thought necessary to the welfare of the nation. Their business was not to project and contrive for the Government, but rather to object to what they thought wrong in their plans. But they were told that the country was not, after all, in so bad a condition. And why? Because some superintendent of police had been telling the noble Earl that he never knew the people of London to be so quiet and comfortable. The state of the population of this city was, at any time, no criterion of the general state of the country; but there were causes at this moment which rendered it less so than ever. The population of this city found much employment in the construction of that splendid glass house—they had that employment which the poor agricultural labourers wanted, and which the occupiers were unable to give them. But then the noble Earl exulted over the prosperity of the old soldier, and made out a great case because there were a few less pensioners in Chelsea Hospital than there were formerly. He confessed he was not aware of how this matter stood, or whether there might not have been recent regulations which produced change; but be it from what cause it might, he rejoiced to hear that there had been any improvement in the condition of the old soldier. But he should be very much surprised to hear of any very great liberality from the Government to the old soldiers: for when they gave, after a tardy and reluctant consent, medals to those brave old veterans who had fought and bled for their country in the glorious battles of the Peninsula, and who had endured the heat and fatigue of a hot climate, they made the poor old soldiers pay, out of their scanty pensions, for the impressions put upon these medals—for having their names engraved upon them. He did not know whether the Government might not have been playing some such tricks on the Chelsea pensioners now. As for the distresses of the agriculturists—and he spoke from personal knowledge — he declared he knew of nothing more heartrending than their condition. That very morning, a number of ablebodied agricultural labourers, about one or two and twenty years of age, of unimpeached and unimpeachable character, had come to him and said, "Will you give us a day's work?—we are wanting to earn our livelihood—we are well-behaved, and peaceable, steady, honest and industrious—ask whom you will as to our characters—the farmers have discharged us because they cannot afford to employ us now." This was the charge he made against this policy which had brought about such results, and against the Government which maintained it. He did not wish to raise any ill-feeling, but he did say it was a hard case when the farmers of England had done their utmost to keep these poor men in their employment; in his own county paying 9*s*. a week hire, whereas they could not afford at the price of corn to pay more than 7*s*. or 8*s*.—when the landed proprietors were employing double, treble, quadruple the number of labourers they had any need for—and in fact, making excuses to themselves in order to give the poor employment, and to keep them out of the workhouse; it was hard that a Minister of the Crown should come down here and say there was no distress—or that the distress was very partial, because the poor were employed, and the workhouses were not full. The present state of things bore hard upon the landlord, the tenant-farmer, and the agricultural labourer; and if it were carried too far, the result would be, that the landowners would consider their own pecuniary interests alone, and they would discharge large masses of those men to whom they now gave employment. Their Lordships knew that idleness was but too often the parent of crime. It was perfectly notorious that never had so many burglaries been committed as recently. He was sorry to say that it was a feeling too prevalent throughout the country, that by excitement out of doors the Government could be forced to do that justice which otherwise they would not do. At present a number of agricultural labourers were employed in the repair of public roads. Many of them had but two or three days work in the week, which prevented them from going into the workhouse, but many also were altogether unemployed. The noble Lord had said, that the malt tax did not bear hard upon the farmers because it was paid by the consumer. He (the Duke of Richmond) wished to know why he was not permitted to feed his cattle with the barley of which the noble Lord had spoken, and which was not worth making into beer or spirits? If they were to have free trade, why should he be prevented from so using the barley which he grew upon his own farm? He was aware that a great deal had been said as to the results of some experiment which had been made in the feeding of cattle upon malt and barley; but he did not believe a word of what had been said upon that subject. Experiments had been made. A certain number of cattle had been fed on barley-meal and on malt, and it was asserted that the barley-meal was found to be more fattening than malt. But he placed no faith in the experiments as they had been conducted. Even supposing that cattle fed on all barley-meal thrived better than cattle fed on all malt, it did not follow that cattle fed on malt, with a mixture of other food, would not fatten as well or better than barley-meal fed cattle. Why not let the farmer have the power of trying if such were not the case? With respect to the malt tax, he pronounced it to be the most unjust tax ever imposed by this or any Parliament. It was hard on the labourer, for he was not allowed to brew his own beer if he liked to do so, but was driven to the public-house, and was compelled to drink the washy stuff which brewers chose to impose on him. He had objected, and would ever object, to the tax, and the noble Lord now heard at least one decided opponent of that tax. Then with respect to the tenant-farmer, he would venture to say that in Sussex among the wealds—and he also believed in the wealds of the county of Kent—the great mass of tenant-farmers and small occupiers were in a state of great distress. He could not understand that his noble Friend wished to see the small farmer swept away from the land. He would ask his noble Friend, therefore, to inquire whether the small holders in the weald of Sussex—whether one in a hundred was able to pay rent—and whether all did not find a difficulty to pay even the rates with which they were charged. The right hon. Gentleman the Chancellor of the Exchequer had referred to the hop duty. The hop growers, it was true, had been able to pay the duty in 1848 by borrowing from their landlords and from other sources; but unless the right hon. Gentleman sold up the whole country he was quite sure he would not be able to get that tax from the growers this year. The fact was, the British farmer could not compete with the foreigner, taxed as he at present was. It was all very well for his noble Friend to say "Improve your land." A great many landowners were laying out large sums of money on their land. This was admitted by his noble Friend, who said landlords were laying out more money on their land than would buy it over and over again. He was obliged to his noble Friend for that admission. But those who happened to have 100,000*l*. at hand, and were willing to lay it out on their land, knew very well they should not get 2½ per cent for their outlay. His noble Friend advised landlords to persevere; but if they persevered he would tell his noble Friend what would be the result. They would not get their rent, and for every 100,000*l*. laid out they would not get back 50,000*l*., and this sacrifice must be made for the purpose of carrying out free trade. He would advise the manufacturers to make the most of their present position. He believed before long the Manchester gentlemen would find out that it was possible for the United States to send manufactured goods to this country, and then the manufacturers here would not find their trade so profitable as they had done. They were told if they only waited, they would be quite sure to attain the same prosperity which the manufacturers now enjoyed. He was told the manufacturing interest was very prosperous at this moment, but he did not believe these statements were quite correct. He doubted, however, that the agricultural interest would reach the asserted prosperity of the manufacturers; his opinion was, that instead of getting where the manufacturer was, that the manufacturers would find themselves shortly where the agriculturists now were. He suspected that the manufacturers would retrograde little by little; that they would find the home market diminished in its resources. The home market was their real trade — not the speculative business of sending out of the country 100,000*l*, worth of goods for anybody to buy. The home trade was the trade on which manufacturers must chiefly rely, and when that was impaired the manufacturer must suffer in proportion. He was quite aware that his noble Friend stuck to his opinions—that he would not give way readily; but when he did give way, he did so with the rapidity of a shot out of a musket. He must say to his certain knowledge many who voted at the time for the repeal of the corn laws were weak enough to take such a step against their convictions. There could be no doubt that free trade was a failure. He was sorry to say that the pressure on the tenent-farmer and the agricultural labourer was never so heavy as at the present time. He warned their Lordships, not, however, in the way of a threat, not to destroy the small tenant-farmer. The tenant-farmer of 200*l*. or 300*l*. a year may have capital enough to go on two or three months longer; but the great body of farmers under that amount of rent—that large and valuable and hardworked body—were ruined by recent measures. They must either go into the workhouse with their families, or to the United States. He knew at the present moment an honest tenant-farmer who had been destroyed by the times, and who had applied for himself and his wife to be admitted into the workhouse. The board of guardians, however, gave him outdoor relief instead, and he believed the great body of poor-law guardians of England considered that the poor-laws were passed to prevent the idle and dissolute from preying on the poor-rate, and that it was not possible they should ever see the workhouse turned into a place in which the industrious labourer and respectable tenant-farmer were to get their daily bread. They only asked for what they had a right to have, and Government had no right to say to men willing and anxious to work, "You shall go into the workhouse or starve." As long as he was a poor-law guardian, and a respectable man applied for relief, he would recommend he should have outdoor relief rather than he should be sent to the workhouse to associate with those who had been brought there by their own misconduct.

Lord WODEHOUSE thought that at the present juncture, when systematic attempts were made to reverse the commercial policy which the country had recently adopted, it behoved every landowner who approved of that policy not to shrink from expressing his opinions. He agreed with the noble Earl (the Earl of Hardwicke), that if there was anything by which the present difficulties of the agriculturists could be relieved, or even if their feelings could be soothed without detriment to the rest of the community, such measures should be immediately adopted. But if it were intended to hold out the slightest hope of a return to a restrictive system, he would earnestly warn the agriculturists not to be led away by such a delusion. It was necessary to ascertain to what extent and among what classes distress really existed. The noble Earl who introduced the subject had referred to a number of letters which he had received from Cambridgeshire, which no doubt, as the views of individuals, were more or less entitled to attention; but you could not from such letters deduce a general conclusion that agricultural distress prevailed throughout the whole of the country. He (Lord Wodehouse) had just the same right to state his opinions of the part of the country to which he belonged, though it would not follow certainly that his opinions, based on individual observations, would be right. In the district with which he was connected, Norfolk, an important agricultural county, he honestly believed—and he had taken some pains to make accurate inquiries into the subject—that the condition of the agricultural labourers generally, was better than it had been for some years past. They had now experienced, it was true, a considerable reduction of wages, but, at the same time, there was a large reduction in the expense of articles of consumption; and though wages had been reduced for some time in certain parts of Norfolk to so low as 8*s*. a week for an ordinary labourer, yet he was convinced, and had stated at a public meeting in the county to which he referred without being contradicted, that the labourers were at least as well off, and in cases where they had large families, and the consumption was consequently greater, even better off, than they had been for some years. It seemed pretty clear that noble Lords opposite had made up their minds not to admit the accuracy of any returns which did not sanction their particular views; but he did not think the country would disregard the fact that there had been on the whole a diminution of pauperism of no less than 10 per cent, and of the number of ablebodied paupers 15 per cent; and not only in counties of manufacturing industry, but there had been a considerable diminution also where the people were principally employed in agricultural pursuits. In the county of Norfolk the number of paupers had diminished 6 per cent, and there was also a considerable diminution in Suffolk and Essex. They had heard of some riots in Suffolk; but still they would see that the same number of persons were not now receiving relief there as formerly. No doubt a conclusion might be drawn from the fact of that riot, but he would prefer to draw a conclusion from general circumstances. They were told that the present efforts of the farmers were the reckless and desperate attempts of men endeavouring to keep their heads above water; but he would ask how it could be accounted for that men should continue to invest their money in what they knew must result to their certain loss, and that there should be found men at present ready to take farms for the first time? The truth was, that at this moment there was a competition for farms, if let at a reasonable rent. The price of meat had diminished, but that diminution he believed to be caused not so much by the foreign importations, as by the increased production at home, which was obviously affected by the greatly increased facilities of communication, by which districts formerly at a distance were brought within reach of London. Then, it seemed to be forgotten by the agriculturists that there had been a considerable diminution in the expenses of farm produce. He did not mean to say that the benefit they derived in this way was equal to the diminution of their profits, but he did say that it was a considerable item in their balance-sheet, and gave a large advantage at the end of the year. The noble Duke who last addressed them had denied the existence of general prosperity. He (Lord Wodehouse) should like to know by what possible proofs they could show that it did exist, if not by the present state of things? They had manufactures generally flourishing, an increased revenue, a reduction of pauperism, general employment, and tranquillity. If that was not prosperity, he did not know what prosperity was. He thought that an argument might very fairly be brought, even from the large importations of corn and flour, in proof of the prosperous state of the country, because that corn and flour had been consumed and had been paid for by the labour of the country; and it was now certain that mouths formerly starving were at present enjoying an abundance of food. And if it were a fact that the labouring classes were enjoying an abundance of necessaries, would it be politic or possible to turn round on the population and say to them, "It is true that your condition is prosperous and comfortable, but there is distress and difficulty among tenant-farmers, whose profits are curtailed, and landlords whose rents are diminished, and in order to relieve those classes, you must reverse your commercial policy? Some noble Lords might think that to be an unfair way of putting the case; but they might depend upon it, that, whether fair or unfair, that would be the way in which the labouring classes would look at it. He had endeavoured to approach the subject with a desire to find means of giving relief to the agriculturists, consistently with the interests of the rest of the country; but he could not perceive the advantage of many of the expedients which were proposed. Take the malt tax. He certainly had not expected to hear that the producer of barley paid the tax on malt. They were told that there were certain advantages consequent from a larger consumption of beer; he would ask whence was that larger consumption to be supplied? He thought from what he had heard that it would be from abroad, because though barley could not be malted which was brought from abroad, yet malt might be imported, and the agriculturists might rely upon it that if the malt tax were repealed, there must be imposed a compensating tax which could hardly fail to press heavily upon lands. With respect to the poor-laws, it was said that the rates pressed heavily upon land. But let it not be forgotten in the first place, that not one half of the land of England, but only about 45 per cent, was used for agricultural purposes. But without entering on the question how far it would be just to tax the fundholder, considering the engagement that had been made that he should not be taxed for local rates, and how far it would be beneficial to the farmer to rate stock in trade, seeing that there was also farming stock in trade which would come within such a tax—he would simply ask what practicable plan would the agriculturists substitute for this present system of local taxation? What plan had they of raising local rates upon all the property of the country? The noble Earl (the Earl of Malmesbury) had proposed an income tax; but he (Lord Wodehouse) did not think the country would be pleased to hear that they were to have a permanent income tax, especially as it was proposed in addition to that which he regretted to find they were to have for some time longer. He was surprised to hear the doctrine of the noble Duke (the Duke of Richmond) respecting out-of-door relief. In his (Lord Wodehouse's) part of the country, it was not usual to give out-of-door relief to ablebodied paupers, and for an excellent reason, because such relief was forbidden by law. He was inclined to think that an alteration in the law of settlement would be among the first of the measures calculated to give relief to the agriculturists; and he was glad to find that there was an intention to introduce a Bill on that subject. The present law was oppressive to the labourer by preventing him from carrying his labour to the best market, and injurious to the farmer, by causing, as it were, a congestion of labourers in one place, coincidently with a deficiency of them in others; but, apart from these measures, he did not despair of the British agriculturist. Had they not seen other classes of the community struggling against, and ultimately surmounting, the difficulties which surrounded them? Was not Mr. Huskisson reviled for having ruined the silk trade? And was the silk trade ruined? He was told that even the manufacturers of cotton thought they had need of the protection of restrictive laws to enable them to compete with the foreigners; and were they now to be told that in a country, which he believed to be a flourishing country, where all the means and appliances of industry were the cheapest and the best, where we had the best market for our produce at our very doors—were they to be told that in a country like this, the

British agriculturist could not compete with the foreigner except by the aid of means which amounted to nothing less than an attempt to sustain him at the expense of other classes of the community? The present was not the only occasion on which the agricultural interest had suffered depression. He would ask noble Lords opposite did the restrictive laws to which they were anxious to return, produce the effect which they professed? Was there no distress in 1822, or in 1835? No Committees to inquire into its causes? No difference of opinion as to a remunerating price? He did not believe that this country would return to restrictive laws. The present prosperity he believed to be undoubted, and he was convinced that the opinion of the nation, ascribing that prosperity to the change of our commercial policy, would never sanction a return to a restrictive system which it had deliberately condemned and abandoned.

The Earl of STRADBROKE said, it was rather singular that the advocates of free trade should be so anxious to show that agricultural distress did not prevail throughout the country, when Her Majesty, in Her Speech from the Throne, had admitted its existence. He well knew that the distress reported to exist in his neighbourhood was not exaggerated. He knew that the landlord, the tenant-farmer, and the labourer, were all sustaining great difficulties. The riot in the Barham union workhouse, which the soldiers, a body of police, and thirty-six special constables, had been employed to suppress, was occasioned by the inability of the farmers to maintain them any longer. The gaol of Ipswich (that part of the country with which he was acquainted) never was so full as at the present moment. The number of prisoners in that gaol on the 17th February, 1846, was 90, on 17th February, 1850, the number was 139, and on the 17th February this year, the number of prisoners in the gaol was 180. The number of persons in the Beccles house of correction was, in 1846, 22, and in 1851, 41, nearly double. Outrages had also greatly increased. He never recollected a period when there had been so many as during the last few months. One person had been barbarously shot on the public road, without any provocation, while bands of armed persons went about at night, having their faces disguised, and committing depredations. The poor were driven to these illegal practices because they could not get employment, and did not like to enter the union houses. The fall in prices, owing to foreign competition and the great burdens on land, prevented the farmers from expending capital in agricultural improvements, and the consequence was, that numbers of persons of excellent character were unable to procure employment. A great deal had been said about the difficulty of letting farms; and he knew himself that it was impossible to let them except at a loss. The land had now to pay 8,000,000*l.* a year for the maintenance of the Established Church, and upwards of 5,000,000*l.* towards the poor-rates; and it was impossible that, with such heavy burdens, they could enter into successful competition with the untaxed foreigner. They had been told that the labouring classes were now enjoying a great degree of personal comfort. It might be so—but it had always been his opinion that the poverty of the country should be maintained at the expense of the property of the country; but he did not think it just to throw the chief burden on a particular class. They had no right to continue class taxation when they had done away with class protection, and he trusted that the Government, with the view of doing justice to the agricultural classes, would take an early opportunity of distributing the taxation of the country in an equitable manner over all classes of the community.

The Earl of WINCHILSEA would remind noble Lords who advocated free trade, of the calculation made by Sir R. Peel, that the price would be about 54*s.*, whereas the average price of late had very little exceeded 37*s.* If, then, 54*s.* were assumed to be the price which would enable the landed interest to bear the exclusive burdens to which it were subject, it must be perfectly clear that at 37*s.* the whole rental must be at this moment gone. It must be perfectly clear to every man who had the slightest knowledge of the value of agricultural produce, that the money expended on land could not at present prices of agriculture produce one farthing of profit. He had seen with deep regret, that in the last two years the cultivation of the soil in this country had been going rapidly backward, and he had seen in many parts of England what he would venture to say none of their Lordships had witnessed for many years, namely, farmers mowing their weeds, instead of hoeing and pulling them. The mode of cultivation had been such, that, notwithstanding the goodness of the season, he was convinced that the soil of England would not produce so much by a million or two of quarters as it would have done under a better system. He also observed less improvement going on in the way of drainage, than for many years past. For the last fifty-six years never had he known so many able-bodied labouring men out of employment as at present; neither had there ever been such an excess of crime. Sheep-stealing and burglaries prevailed to a most fearful extent. There was no truth in the statement that agricultural distress was confined to five or six counties; it extended over every county in England, and, in ninety cases out of a hundred, the rents for the last three years have been paid out of capital, for the produce of the land has not covered the expenses of cultivation, poor-rates, county rates, tithes, &c.; and, if their Lordships should persevere in this system, depend on it they would bring the agricultural interests, one and all, into that state of discontent that he defied the strongest Government not to tremble for the result; for when men were unjustly used, like the great body of agriculturists, they would not sit down and see themselves destroyed for the purpose of benefiting a class who had never treated those connected with them with half the kindness shown in like cases by the owners and occupiers of land. He sincerely hoped and trusted that some measure would be introduced on the subject, for he was one of those who thought that the maintenance of the poor, the preservation of the peace, and the maintenance of the high roads—those three national burdens—were unjustly and unfairly thrown on the land, and that they ought to be equally supported by every other interest in the country. It might be difficult to say in what way this was to be effected; but the Government and the advocates of free trade in corn and in all other agricultural productions had brought the landed tenant into the present state of great difficulty and distress, and could not in justice leave those burdens on their shoulders which could only have been justified by the continuance of protection which had been extended to it, and under the faith of which, capital to an incalculable amount had been expended in the cultivation of the soil in this country.

The EARL of MALMESBURY said, he would not enter into any discussion as to whom the credit might be due with respect to prophecy, for it signified very little on this question what the prophecies had been. The first question now was, whether the agricultural interest was in a dangerous and suffering state? And the next question was, whether it was or was not consistent with the duty of the Government to neglect that great class of the community, which they themselves now confessed to be in a distressed state, and to refuse to administer that relief which they alone, as a Government, could administer. But since the first day of the Session, when Her gracious Majesty had stated, and when the Government had admitted, that the agricultural interest was in a dangerous and suffering state, the Government had not in that House made the slightest reference to the subject, or held out any prospect of relief. But in the other House certain events had taken place, to which, he believed, he had a right to allude, for they were pregnant with interest on this question. A great division had lately taken place in that House, after a debate in which much ability was shown on both sides; and it was a prevalent opinion that, had it not been for some extra assistance which they succeeded in obtaining, Her Majesty's Government would have been left in a minority. In speaking of extraneous assistance he alluded to a person of eminent talent in this country, one who had been a responsible adviser of the Crown, but who, for the last four years, had been hovering on the flanks of the two opposing armies. The other night when the Government had gone through one whole evening's debate, and every one thought the issue doubtful, the right hon. Baronet the Member for Ripon came rushing to the rescue—a man eminent for his talents, and whose assistance had been before desired by the Government—he at last came to their assistance, and made a speech full of ability, but which showed that he, as they must have foreseen, did not quite agree in the broad statement made in the Speech from the Throne. The greater part of his speech, he believed, was to the purport that in his opinion agricultural distress, if it really did exist, was of a very doubtful nature. He stated that, as far his own county was concerned, he stood there at that moment without an acre of land unlet which he wished to let, and that he had not an arrear of 300*l.* due. That was certainly a description of a modern Arcadia. It was nothing less; but whether that state of things—those really exceptional advantages—visited Cumberland in consequence of some extraordinary property belonging to the landlords, or some peculiar virtue inherent in the soil, or whether it arose from some particular industry amongst the tenantry and labourers, he could not say; nor was any mention made of the cause by the eminent person to whom he alluded. He did not tell his audience to what amount and for how long he had been laying out money on his estate. He had heard, indeed, a rumour that there was no landlord who had so improved his estate, who had laid out so much money on it, or who ought to have had under the former law of the country at the end of improving leases so much reward as that eminent person: that he had left out of the question altogether. Another thing he observed with respect to Cumberland. When he looked over the averages of corn for the different counties in England, he found that no county stood so high for its average in wheat. It stood last week at 41*s.* 9*d.* The difference between that and the price of wheat in the county to which his noble Friend who opend this debate belonged, was no less than 5*s.*—the price there being no more than 36*s.* 9*d.* Therefore when that eminent person wished them to believe that the whole country was thriving, because his own peculiar estate was in these extraordinary flourishing circumstances, he might just as well have quoted the highest and lowest prices of wheat throughout the country instead of speaking of the highest only. The question was not what was the state of this or that man's property. The question was, what was the state of England and Wales, Scotland and Ireland? When agricultural questions were discussed, some great man, he regretted to say, was always quoted as an argument. He denied the fairness of such arguments; but he had heard it said in another place that there were estates belonging to two of the greatest proprietors and men of the highest rank in the country, in which lower rents had been taken than had been heretofore received. He had looked into the circumstances of those estates, and found that on one of them the farms had never been relet or the rents changed for 75 years, and on the other for 90 years; a vast quantity of capital had been laid out in improvements. This, at all events, was a contradiction of the assertion which was sometimes made, that the land was in the hands of a grasping aristocracy. It came out every day, in point of fact, that the land of Great Britain was let at far lower rents by the aristocracy than by others; and it was natural that it should be so, because they could afford it; but it was not so with small estates, which the proprietors were obliged to let at rack rents at the full value, and it was this class of men who were now suffering the most, and it was that class for which he felt the greatest sympathy. When the eminent person to whom he had alluded came to the rescue of the Government, they must have felt great gratitude, undoubtedly; but, at the same time, the noble Earl opposite (Earl Grey) as a Member of the Government, must, on reading that speech, have wished that his own estates had been on the banks of the Esk, instead of being on the banks of the Tyne. In Northumberland the farmers might be said to rent estates rather than farms. When he lived in that county, he knew instances in which they used to let for as much as 3,000*l.* a year. And what was the account which he had received from this county, the garden, as it was called, of England? The farm to which he was about to allude was the property of one whom, if he mentioned his name, their Lordships would at once recognise as a man whose intelligence was equal to any position, public or private. The farm in question, before the repeal of the corn laws, was let at a rent of 2,200*l.* per annum. It was subsequently given up. In 1849 the proprietor of that farm, having taken it on his own hands, spent a considerable sum of money upon it, refused a fixed rent of 1,700*l.*, and being a man of spirit and enterprise, and of great industry, he was not to be alarmed. He thought the property worth more, and would not take it; but time went on, and prices did not rise, but, on the contrary, fell; and he had been informed that this proprietor, in 1850, after the outlay of perhaps half or a whole year's rental, was obliged to submit to let his farm for 1,700*l.*, a part of that rent being variable, according to the price of corn. When such things had happened in a county where agriculture was understood, and where the landlords were among the best men in the country, it was absurd to argue that because in a county like Cumberland one or two particular estates had not fallen in value, in great arable counties like Northumberland the distress was not immense. If their Lordships would bear with him for a few minutes, he would read a letter from one whom the noble Earl opposite would admit, if he were to mention his name, to stand as high as any man, both for his private character and his knowledge in farming estates. He wrote as follows:—

> "For a farm which was let at 600*l.* a year, I have only succeeded in obtaining 450*l.*—a reduction of 25 per cent. This is a clay farm. For another, which was let of late years at 700*l.* a year, I am only offered 530*l.*, although there is on the farm a large proportion of old grass, and a considerable sum has been expended in draining and liming. From agents in the southern parts of the county, I hear the reduction is about 20 per cent. The reductions in this neighbourhood seem, oddly enough, to have fallen on the free-traders more heavily than on the advocates of protection. On about 30 farms I have to let—on only two, with the exception of the above two—has the abatement been so much as 15 per cent. On none of the others has it exceeded 10 per cent; but nearly all of them have been greatly improved during the last leases. If, however, we have no alteration, the giving up of farms will continue, and it will be only after a hard struggle, and the outlay of much capital, that land will maintain anything like its position. It has been said that there had been 41 farms in one week advertised in our county paper—the *Courant;* but this is no approximation to the whole number advertised in that paper. This week I observe a number for the first time inserted, though the season is so far advanced."

That was quite enough to show the fallacy of the statements made in another place that distress was not prevalent. It was the fashion for landlords to speak of their own experience; and he could state that in his own neighbourhood most farms had fallen something like 20 per cent in value since the repeal of the corn laws. The opponents of that repeal had prophesied that this would happen; but it was no dream of nervous or hypochondriacal men, and was now realised in the eyes of their Lordships, as he apprehended it must be in the eyes of the noble Earl. The next point was, what was to be done? It might be the interest and it might be the wish of the Opposition to tell the Government what to do, but it was the duty of the Government to see that something was done when they had admitted the existence of distress. As the Administration responsible to the Sovereign, and equally responsible to the people, the Government were bound to do something. Had they done anything? The party with whom he acted were silent on the first night, in the expectation that something would be done after the declaration in the Queen's Speech, not to restore protection, but to withdraw the burdens from agriculture. He did not wish to indulge in any rash words, but he must regard the statements and promises made in another place last night as an insult to the agriculturists. In the whole of that statement there was not one single remission worth asking for. He felt that it would be a joke if he spoke of the reduction of duty on seeds, or the alteration with respect to lunatic asylums. Why should real property be taxed for the maintenance of lunatic asylums? The Chancellor of the Exchequer said half was to be placed on the Consolidated Fund, and so he estimated that half the benefit would go into the pockets of the agriculturists; but it could only be a quarter, because half was paid by them. These were the only reliefs, or attempts at relief, and there was nothing more. On the other hand, the Government took away all hope of relief to agriculture. The charge for the poor was completely put out of the question by the Chancellor of the Exchequer. The amount contributed to the poor-rates by the agriculturists, especially under the present system of parochial assessment, was, in effect, another income tax. The Government, indeed, seemed to admit it; for last year they most generously granted a Committee to investigate the parochial system, as though they were holding out a prospect of redress, and that the spirit of the Act of Elizabeth should be carried out; but nothing resulted from the inquiry, and the flagrant injustice of the burdens which fell exclusively on the agriculturists was the only form of injustice which was allowed to remain untouched; and what was most to be deplored was, that the Government did not hold out the least hope that relief would be afforded, nor did they seem to entertain any intention of doing justice to a class whose claims upon their consideration were certainly not inferior to those of any other portion of the community. The advocates of free trade had made exulting allusions, on many occasions, to the fact, that there had been of late years a gradual decrease in the amount of poor's-rate. But their deductions from this fact were erroneous and deceptive. From what period was the increase or decrease to be calculated? Surely not from the exceptional year 1847, when, from the concurrence of various disastrous causes, the poor's-rate rose to six millions and a half! Such an event was one of unnatural occurrence. They all knew perfectly well that it was not to be expected that as large a sum of money would be required for the support of the poor at a period when corn was sold for 40*s*. a quarter, as was necessary for the same purpose, when the average price of corn was 70*s*. Before they attempted to claim for free trade the credit of causing a decrease in the amount of the poor's-rates, they were bound to ascertain the amount of the poor's-rates during the last years of the protective system. They should take a wider range for their calculation. Let them go back thirteen years, say to 1837. In that year, under a high state of protection, after the price in the preceding year (1836) of 39*s*. per quarter for wheat, the poor-rates amounted to 4,000,000*l*; in 1840, after the price of 69*s*. per quarter in the preceding year, they were only 4,500,000*l*.; in 1846, the last year of protection, they were 4,900,000*l*.; and in the year 1849, under free trade, with wheat at 50*s*. they rose to 5,800,000*l*.; and in 1850, they had fallen to 5,400,000*l*., or a million and a half more than in 1837, when protection existed. How could they account for that difference? Let them, then, not claim any credit for free trade in lowering the rates. Then with respect to the decrease in the number of paupers relieved. Up to January, 1851, they had a decrease of 68,579 from the preceding January (1850). But still they were not within 34,000 of the reduced numbers which the year 1846 —the last year of protection—showed in that respect. That year (1846) beat every one of their free-trade years—even the very best of them; and even one of the years of the highest prices under protection presented the startling but gratifying result of the poor-rates being 1,300,000*l*. less than they were in a year of free trade, namely—

1840, poor-rates	£4,500,000
1849, poor-rates	5,800,000
Difference	£1,300,000

With respect to the wages of agricultural labourers, it was said that they had not fallen; and in another place a high authority had said that that was especially the case in the north. If that were so, and were to continue so, what would happen? The great argument in favour of free trade was, that by cheapening produce it would enable the whole body politic to go on more smoothly. But if the labourer was to receive the same wages under reduced prices as formerly, how was the farmer to pay them? The whole loss of 33 per cent in the depreciation of the value of agricultural produce was to be borne in some quarter or other. Was it only to fall on the landlord and tenant? He feared it must be plainly said that the only interest which their present legislation encouraged was that of the foreign agriculturist. In the year 1849, France imported into this country 740,000 qrs. of corn, and in 1850 that importation rose to 1,100,000 qrs., which was worth nearly 2,000,000*l*. sterling. Let them just think of such an enormous sum transported across the Channel into the northern departments of France, to be circulated there amongst its chief provincial towns, to promote the interests of agriculture. Only let them conceive a similar sum coming over from France into our southern agricultural counties—into Sussex, Devon, or Hampshire; and did they think their agriculturists would have complaints? It was all very well to say that discontent prevailed amongst the agriculturists of France. Why, so it might, for very possibly they had wrongs and grievances of their own, which we were not very competent to judge of; but it was at all events certain that they had succeeded in rearing a crop of corn, which was not only sufficient for the requirements of their own country, but which also admitted of enormous exportation to this. He felt that he owed an apology to their Lordships, for trespassing at such length on their attention. He would not prolong that trespass; but in conclusion, would intreat of noble Lords who were distinguished for their advocacy of free trade, not to ignore the signs of the times, nor to shut their eyes to what was going on around them. It was a mistake to suppose that Whig politicians had at all times been freetraders. So far was that from being the case, that, on many memorable occasions, they had signalised themselves by their advocacy of protection; and one of the most illustrious members of their body had not hesitated once to declare that "free trade in corn would, in his opinion, be madness." At one time they advocated principles similar to those for which the protectionist party were now contending. They proposed a fixed duty of 5*s*. and 8*s*., and the only difference between them and his own friends was on matters of detail—on the amount of the duty. They would have pursued a course at once honourable to themselves, and advantageous to their country, if at that precise political juncture which eventuated in their own promotion to power, they had refused to acquiesce in free trade, but had stedfastly recommended the imposition of that particular description of duty which in bygone years they had uniformly advocated. Had they said that they would not enter upon the path of free trade—that they would recommend the policy which they had always recommended — if they had not been in such a hurry to obtain that possession of power at which they would have been perfectly certain to have soon arrived—if they had resisted, and made the Legislature impose the duties they formerly proposed, they would have acceded to office with greater dignity to themselves, and would have attached to their party an important and influential body of persons whom they had by the opposite course of conduct irretrievably separated from themselves. But, like others, they abandoned the great principle of an import duty, and in that declaration of the Speech from the Throne, in which the distress of the agricultural interest of this country was admitted, they pronounced their own condemnation.

Earl FITZWILLIAM said, some propositions had fallen from the noble Lord who had just sat down in which he entirely concurred. He entirely concurred that it was the duty of those who occupied the seats of the Executive Government to propose remedies for evils which might be found to exist. The noble Lord had observed on that part of Her Majesty's Speech which acknowledged, as he said, for the first time, the existence of agricultural distress. He (Earl Fitzwilliam) did not intend entirely to dispute the statement in Her Majesty's Speech; but he believed that the distress was partial, that that distress might be accounted for by particular circumstances; and that if they were to attempt to remedy partial distress or partial inconvenience by any change of law, they would be committing themselves to a policy which would be utterly incapable of meeting the case with which they had to deal. His noble Friend who opened this debate referred much to the condition of that county over which he so usefully presided. He did not intend to dispute the facts which his noble Friend had stated; but he intended to give some reason why that state of things existed in that county. The noble Earl who had just sat down had stated, among some propositions with which he did agree, another in which he did not agree, without some reservation. He (the noble Earl) had stated that they must not look to particular prices, but to the average price of the whole country. But they knew that the average price was greatly affected by the character of the particular class of corn sold in any particular district. At the present moment, even in the county of Cambridge, he could assure his noble Friend that good wheat fetched a price of not less than 42*s.* a quarter. He did not mean to say that was a high price—indeed he (Earl Fitzwilliam) must not be supposed to wish to see a high price in corn. The great blessing of the present time was, that we had not high prices of corn. But the average price in that county, and in another county alluded to by his noble kinsman, was much lower. It was perfectly well known, and he was sure his noble Friend knew it as well as any one, that the last harvest was the most disastrous that had ever been known in the fens, and the consequence was, that low quality corn, which was now sold in the markets of Cambridgeshire and Lincolnshire, fetched a price not exceeding 22*s.* per quarter. That, he conceived, was the explanation of the distress in Cambridgeshire and Lincolnshire. He did not wish that they should take this upon his statement. As the noble Lord had referred to letters, he might be allowed also to refer to a letter on this subject, being an advice of the state of the market in the town of Cambridge, from which he understood that last Saturday, being market day, good wheat was selling at 42*s.* per quarter. In St. Ives, in Huntingdonshire, the highest price of wheat was 38*s.* per quarter, and the price of the inferior as low as 22*s.* In Wisbeach, the highest price was 36*s.*, and the lowest 24*s.* per quarter. At Boston, Spalding, and Peterborough, the higher prices were 39*s.*, 42*s.*, and 41*s.* respectively, and the lower 24*s.*, 25*s.*, and 24*s.* per quarter. This great variation had the effect of depressing the average price of wheat in the counties of Cambridgeshire and Lincolnshire; and that he considered was an exceptional state of things. But what, he would ask, did the noble Lords intend to do? The noble Earl who had just sat down had said—and he (Earl Fitzwilliam) agreed with him to a certain extent—that it was the duty of the Executive Government, in cases where an evil was acknowledged, to make a proposition for the relief of the distress. But, he must be allowed to say, that it was no less the duty of noble Lords on the opposite side of the Houses of Parliament, when they brought forward any discussion on subjects of this description, to give an inkling of the sort of measures which they hoped to see introduced. The noble Earl who spoke last had never quite mentioned that he proposed to go back to restriction; but he told them that the country would be glad to do so. He trusted he was very much mistaken, because he was quite sure any attempt to go back to protection made by the Government now, or made by those who would succeed the present Government, would be a position from which they would be very glad to retreat. If his noble Friend who spoke of the injustice of the malt tax could detach his noble Friends from the theory of protection, he would command his (Earl Fitzwilliam's) support; if they would endeavour only to impress on Her Majesty's Government the application of those facts to which allusion had been made, they would, no doubt, obtain his support; because he did consider, and he had always considered, it was one of the most injurious taxes to which the agricultural interest was exposed. With respect to one proposition of the Government, he did not at all agree that it was desirable to place the relief and maintenance of lunatics upon the Consolidated Fund. He believed that in all those cases of expense the duties of supervision were much better performed locally than they could be by general administration. And here he could not help referring to the idea in the mind of the noble Earl who spoke last, and which seemed also to pervade the mind of his noble kinsman—he meant the idea of throwing the relief of the poor upon the Consolidated Fund. He would warn them against any attempt of the kind. Depend upon it, it would lead to a more extravagant expenditure of the funds than in their Lordships' imagination it was possible to conceive; those who were, like himself, engaged in the administration of the poor-law were aware how much less care was bestowed on what were called "establishment cases" than on those belonging to particular parishes; and, therefore, let them think what would be the case if, instead of the general cases falling on the union at large, they fell on the nation. He could hardly conceive a case in which there would be a more lavish expenditure of public money. With respect to the difficulties which now existed, and to which Her Majesty's Ministers had alluded in the Queen's Speech, he (Earl Fitzwilliam) would say that the main question was between landlord and tenant. In some instances it might be difficult to meet the exigencies of the case, and he could conceive the possibility that cases might arise in which the distress of the tenant could not be met by fairness on the part of the landlord. It was, in truth, a question of rent. All this question of the corn law—all this question of protection—were questions of rent. It was impossible to regulate prices so as to fix rents. Under the first corn law they were led to expect *82s.* per quarter; under another, *63s.*; under another, *56s.*; under another, *53s.* or *54s.*; and under the operation of all these laws agricultural distress existed, as if to prove that it was beyond the power of man to regulate the scale and to regulate prices in such a manner as to be satisfactory to the different classes of the community affected by them. But they were told that the farmer was subject to a great deal of local taxation. Now, with respect to France. Their Lordships of course were aware that France was protected as much as the agricultural interest ever would be protected under the most favourable circumstances. But what was the price of wheat now in France? The price of wheat now in France was somewhere about *3s. 6d.* a bushel—a no very great encouragement to those who were desirous of trying the experiment of protection. No doubt a large amount of corn was imported into this country from France. No doubt a large amount was imported in the shape of flour. He did not at all regret the importation of flour. The machinery for converting grain into flour, and all the process, was much more skilfully and effectually done in France than in England. He believed the introduction of superior French flour would induce the millers in England to make an improvement in the manufacture of flour, because they would see that superiority made the French flour bear a much higher price in the market; and he had such confidence in the energy of his own countrymen, that he had no doubt, in the end, he would be able to meet the fair competition of the foreigner. With respect to the burdens on the foreign farmer, particularly the French farmer, as compared with the English farmer, he happened to be in possession of a paper relative to the local administration of a French department, and he could assure their Lordships that the local taxation of a French department was far higher than that of an English county. He had also had placed in his hands the report of the visiting magistrates or finance committee of the county of Southampton, and it appeared, taking these two documents, that whilst the local taxation in the county of Hants amounted to 11¾*d.* per head, the local taxation in a French department was 1*s.* 11*d.* per head. Thus, giving consideration to the relative burdens of English counties, as compared with French departments, there was no comparison between the two; and, therefore, noble Lords opposite could satisfy themselves that they had no reason to call for protection on the ground that the English farmer was much more highly taxed than the foreigner. After all, there remained the question—What did they propose to do? Did they propose to restore protection? Did they propose to give a fixed duty? because if they proposed a fixed duty so high as to exclude, they would increase the price of food; and if they proposed a duty so low as to admit, they would not protect. He (Earl Fitzwilliam) did not exactly understand what was the nature of the duty which the noble Earl opposite would propose; but he might conclude from his speech that he would propose some duty which would be of the character of a duty which should serve for the purpose of revenue. If it were a low duty for the purpose of revenue, they could not protect. If, on the contrary, they proposed such a high duty as would secure protection, then they would have to answer for having raised the price of food on the whole population of this country. Such a change as that would be an experiment in which he did not believe the noble Lord at the head of the protectionists would be prepared to engage. He did not believe he would undertake the task of proposing a duty of 8*s.* on foreign corn to be paid by the inhabitants of this country. He had too much confidence in him to believe that the noble Lord had any idea of proposing such a tax. His belief was, that whatever course they might take in this House—whatever course might be taken in another House, his belief was that they would not have any proposal made for any protective duty on foreign corn. He believed it was the opinion of leading persons in other places, that it would be vain to make any such proposal, and that the noble Lord opposite would not be prepared to support it before the assembled population of England. He did not believe, whatever might be the result upon other questions that might afterwards come before them—even if the result of those discussions should be to replace his noble friends now on the Government benches by noble Lords opposite—he did not believe that, even in that event, he would see the experiment tried of the people of England being asked from the hustings whether the price of their bread should be raised or not. He did not believe that; and therefore, whatever might be the result of other discussions, he was confident in this one thing, that that would not be the question on which noble Lords opposite would supplant those who now held the reins of Government.

Petition read, and ordered to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 18, 1851.

STATISTICS OF AGRICULTURE.

MR. GEORGE SANDARS begged to put a question to the right hon. Gentleman the President of the Board of Trade. Was it the intention of Her Majesty's Government to bring in a Bill this Session, or to introduce any measure, for the collection of agricultural statistics, to place us at least on a par with Ireland?

MR. LABOUCHERE said, that if he could see his way to any unobjectionable mode of obtaining correct statistical information relating to agriculture, he would be willing, indeed he was desirous, of introducing such a measure. Last year he had consulted with Gentleman connected with agriculture on both sides of the House, without arriving at any satisfactory solution of the dfficulties that beset the question; and he doubted that, in the present state of the agricultural mind, it was advisable to bring in a Bill on the subject.

POOR LAW.

MR. POULETT SCROPE rose to move for a Select Committee to consider the expediency of assimilating the poor-laws of England, Scotland, and Ireland, and promoting the productive employment of able-bodied paupers. He knew very well that anything that he could venture to say on this subject would be insufficient to induce the House to agree to any abstract proposition relative to this question. He therefore only asked the House to agree to the appointment of a Select Committee to inquire into and consider the question, to obtain such evidence as might throw a light on this important subject, and to report their opinions thereon to the House. The great and main difficulty in the question was, that the poor-laws, whether in England, Scotland, or Ireland, referred to the relief of the ablebodied poor; and therefore, if any light could be thrown on that complicated and vexed question, he thought it would do away with much of the objection that might otherwise prevail against the assimilation of the laws for the relief of the poor. It was on that ground that he ventured to ask the House to agree to the appointment of a Select Committee. The poor-law of England had been considered, and justly, as one of the most valuable of our ancient institutions—as one that more than any other tended to preserve order and tranquillity in the community. It could no longer be said of our poor-law, as once it was by a French writer, that it was *la plaie dévorante l'Angleterre.* The principle of our amended poor-law had been adopted in Ireland, and extended to Scotland. He thought no one could differ from him in this opinion, that of all the institutions of the country, the one which was, perhaps, most influential in determining the condition of the great bulk of the population, was the law which related to the administration of the relief of the poor. If that was so, it might be further admitted that any great difference in the law and practice of administering that relief in three countries so closely united as England, Scotland, and Ireland, must have a very remarkable effect upon the great body of the people of this country. It might have been expected that in so extending the poor-law to Ireland and Scotland, the principles detailed in the English Poor Law Act would have been adopted in both those parts of the kingdom. But such was not the case. The circumstances of the three countries seem to be so different, as to require a different law. The main differences between the law in England, Scotland, and Ireland were these: in the first place, in England and Ireland the law gave a title to relief to the poor of all classes, the infirm poor as well as the ablebodied. The law in Scotland, on the contrary, as appeared by recent decisions, gave no title to relief at all to the ablebodied poor. With regard to the practice of administering relief in the three countries, no less than six-sevenths of the poor of England were relieved out of the workhouse, by the system of outdoor relief. In Ireland, on the other hand, it appeared there was scarcely any outdoor relief at all. While 3,000 persons were receiving outdoor relief in the whole of Ireland, no fewer than 750,000 were receiving outdoor relief in England. How was it in Scotland? Precisely the opposite system prevailed there. In Scotland there was no indoor relief until lately, when a few workhouses were built, whilst others were in the course of erection. But he might say that in two-thirds of Scotland there was no indoor relief at all. Again, the kind and amount of the relief differed in most important particulars. In England and Scotland the relief was given in all the necessaries of life, or in money with which to purchase them; but at a time when 700,000 or 800,000 persons were receiving relief in Ireland, the relief was confined solely to food. There was no clothing given, and the consequence was that the poor were swept away in vast numbers for the want of the other necessaries of life besides food. Such a great difference as that in the kind of relief given, could not but have a most prejudicial effect on the labouring classes in Ireland. There was also a difference in the mode of levying the fund for the support of the poor in the three portions of the united kingdom. In England the rate was levied solely on the occupier of property; in Ireland it was levied half on the occupier and half on the owner; whilst in Scotland there were no less than five different modes of rating. Besides, the parishes in Scotland had the option, under certain circumstances, of not being rated at all. The truth was that two-thirds of the parishes of Scotland were rated, whilst one-third of them were not. He did not pretend to discuss the question as to what was the best principle of raising the money necessary for the relief of the poor. But he might say that if a principle of rating was good in Scotland, it should be equally good in England and Ireland; and it would be a question to consider whether it was not judicious to adopt one uniform mode of assessment to the relief of the poor throughout the united kingdom. With regard to the management of the relief of the poor in England and Ireland, that was confided to boards of guardians of unions controlled by a central Commission. In Scotland the management was a parochial one still; the parishes maintained their own poor; and though there was a central board there, it differed from the English one in this respect, that, whilst the central board in England was prohibited from interfering in individual cases of pauperism, the central board in Scotland had nothing else to do but to interfere in individual cases. The working classes of this country had a deep interest in this question. With the increased facilities of communication between the three parts of the united kingdom, it was quite obvious that, with those differences in the administration of relief to the poor, and when the relief given in their native country was of a niggardly character, numbers of the poor Irish and Scotch would be continually crowding into England. How could the English poor escape distress, exposed as they were to competition with hundreds and thousands of Scotch and Irish paupers, driven here by an artificial system, refused relief in their own country, and compelled to seek subsistence here? Political economists laid it down, that the poor had their fate in their own hands, viz. the power of limiting their numbers by not marrying; but that principle of their science was set at nought in this country by the immense immigration of Scotland and Ireland, taking the bread out of the mouths of the working classes. The poor-law returns of the last quarter of the previous year showed that, while 1 in 16 were relieved in England, and 1 in 26 in Scotland, only 1 in 40, or 2¼ per cent, received relief in Ireland, the average cost of the relief being 1*s.* 8*d.* in the pound in that country, as compared with 1*s.* 10*d.* in England, and 1*s.* 3*d.* in Scotland. The difference in the law of settlement in the three kingdoms operated in the same way. In this country a residence of three years gave the right of settlement; but it was not so in Scotland or Ireland. There being no legal right of settlement in either of those kingdoms, an inducement was held out to the proprietors to relieve their estates from those who were likely to become chargeable to the poor-rate, by sending them to England, which they could do at a cost of about 2*s.* 6*d.* each person, the English parishes having to pay 10*s.* or 20*s.* each to send them back again to their own parishes, where, after all, they had no legal settlement. The second branch of the inquiry he was desirous of opening, was the mode of extending relief to the ablebodied poor—

Notice taken that Forty Members were not present; House counted; and Forty Members not being present, the House was adjourned at Six of the clock.

HOUSE OF COMMONS,

Wednesday, February 19, 1851.

MINUTES.] NEW MEMBER SWORN.—For Dungannon, the Hon. William Stuart Knox.

PUBLIC BILLS.—1ª Smithfield Market Removal; Expenses of Prosecutions.

2ª Compound Householders; Highways (South Wales).

THE WINDOW TAX—RULE FOR PETITIONS.

VISCOUNT DUNCAN presented a petition from the parish of St. James, Bath, against the measure proposed by Her Majesty's Government for the modification of the window tax. The petitioners prayed that the House should repeal the window tax unconditionally, without the substitution of any other tax.

MR. SPEAKER: The petition is informal, and cannot now be received.

MR. WAKLEY begged Mr. Speaker would let them know precisely the regulations of the House on the subject, for probably there would be numerous petitions with reference to the measure before the House.

MR. SPEAKER: The rule is that no person shall allude to what takes place in a debate in this House by petition or in any other manner; but if a proposition be once submitted to the House for an alteration in the window tax, and that proposition forms part of your proceedings, then the public arrive at the information in a legitimate manner, and may petition the House against it. But it is not competent for parties to petition against a matter that can only have come to their knowledge from having been mentioned in debates in this House.

COMPOUND HOUSEHOLDERS BILL.

Order for Second Reading read.

SIR W. CLAY moved the second reading of this Bill, the object of which was to remedy what might be described as an accidental omission in the machinery of the Reform Act. There were in London and the large towns of the kingdom many thousands of persons who came precisely within the spirit of the Act, and yet were deprived of the franchise which that Bill intended to bestow. By the Act the new franchise was extended to all householders who occupied a house of the value of 10*l.* and upwards, and who had paid rates and taxes up to a specified period. The title to the enjoyment of that franchise depended upon the ratebook. A person, therefore, whose name was not on the ratebook, although he might have complied with all that was required by the Reform Bill, could not have a vote. There were in almost all the parishes in London, and in all the large towns in the kingdom, local Acts which empowered the parish officers to compound with the landlord for the payment of the rates upon houses occupied by their tenants. The consequence was that there appeared on the ratebook no other name than that of the landlord who compounded for the rates. Many of the houses so compounded for were of the value of 10*l.* and upwards. There was a clause in the Reform Act which enacted that a person paying 10*l.* a year and upwards might apply to have his name entered on the list of ratepayers on tendering the rates then due. But by various decisions of the superior courts it had been held that the claim must be renewed upon every rate that was made. Now, it happened in large parishes that as many as four, five, and six rates were made in the course of the year; the effect, therefore, of those decisions was virtually to disfranchise those persons; and the fact was, that many thousands were actually so disfranchised. All that was sought to be done by this Bill was to remedy that evil. It simply enacted that persons having tendered the rate once, and having been once entered on the list of ratepayers, should not have occasion to renew that tender, but should be entitled to be registered as voters. He could not conceive any inconvenience to arise from such an enactment, and therefore begged to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. F. MACKENZIE hoped the hon. Baronet would not press the second reading of the Bill on that occasion. The Bill had only been delivered the day before yesterday. [Sir W. Clay: It is the same as the Bill introduced last year.] It was no answer to say that the Bill was the same as the one introduced last year, because the subject underwent but a very partial discussion last year. It dealt largely with the ratepaying clauses of the Reform Bill. He had always been opposed to the principle of that Bill, and he thought it rather hard that year after year individual Members should introduce Bills for altering and extending that law. If any Bill were required on the subject, it ought to be brought in by the Government. He should move as an Amendment, that the Bill be read a second time that day fortnight.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day fortnight."

Lord R. GROSVENOR hoped his hon. Friend the Member for the Tower Hamlets would not yield to the appeal which had been made to him. The Bill was fairly discussed last year; it was also discussed in the previous year, and amongst those who then took part in the debate, was the right hon. Baronet the Member for Ripon. It could not be said, therefore, that the House was taken by surprise. As to the observation that this was a Bill which ought to have been brought in by the Government, it appeared to him that there could be no fitter person to introduce it than the Member for a borough which contained so many parties who were personally interested in the matter. In that large borough hundreds of persons were disfranchised in consequence of an omission in the Reform Act.

Mr. SPOONER hoped the Bill would be postponed. It had been discussed at late hours last Session, and also towards the close. Therefore time was required to consider it. He should like to hear from the noble Lord at the head of the Government whether this measure was necessary or not. It appeared to him to be in contravention of, instead of carrying out, the principles of the Reform Bill. He hoped time would be given to the House to communicate with the country as to the objects intended to be carried out by the measure.

Lord J. RUSSELL did not think his hon. Friend the Member for the Tower Hamlets was under any necessity of agreeing to the suggestion of the hon. Gentleman opposite the Member for Peebles-shire, that this Bill should be postponed. The subject was not new to the House; on the contrary, it was one with which the House was perfectly familiar. On late occasions, this measure had been objected to on the ground of its having been brought before the House at a late hour; that, at all events, could not be said now. The next question was, whether his hon. Friend the Member for the Tower Hamlets was at all entitled to bring forward a Bill of that kind. He (Lord J. Russell) should be disposed to say, if any Amendments to the Reform Bill were to be brought forward, and if it was proposed to go further in the direction in which the Reform Bill went, it would be desirable to know if the Government intended to offer any objection to such a Bill; but he did not think that argument was applicable to this case. With respect to the present Bill, it was founded on a clause which was in the Reform Bill already. That was a clause declaring that, besides those who were rated to the relief of the poor, and had houses of 10*l.* a year, those who should be entitled to be rated, but were not rated, who occupied houses of the value of 10*l.* a year, rated in the name of the landlord, and not of the occupier, might claim to have their names placed upon the rate-book. That was a clause which the late Earl Grey was exceedingly careful to have inserted in the Bill; but since the passing of the Reform Act, the person who claimed under that clause, who was not rated, but who claimed to be rated, and having established his claim was placed on the rate, did not thereby obtain his franchise like other ten-pound householders, but he was obliged on the making of every rate to make a new claim to be placed on the rate. Now, that was a practical difficulty in carrying out what was the clear intention of Parliament in passing the Reform Act. He should, therefore, hold that his hon. Friend the Member for the Tower Hamlets was perfectly entitled to see that the Act should be amended in that particular. Then arose another question, though that was for the consideration of the Committee on the Bill, namely, that those persons whom Parliament intended should acquire the right, and who were not rated, should not be placed in a more disadvantageous position than those who were in the enjoyment of that privilege. Now, he thought that it would be necessary to see in Committee that persons who claimed the right to vote (the rates being payable by the landlord), should be made liable for the rate, in case it should not be paid by the landlord. He thought it would be right in Committee to look narrowly to the wording of the clause, in order that the rate should be thus secured. If that were done, they would have a security which he believed the Reform Bill wished to retain, namely, the security of a person who was solvent and able to pay the rates. In that case, all the conditions of the Reform Bill would be substantially accomplished, and therefore he should cheerfully give his vote for the second reading of the Bill. At the same time, they ought not to hurry the Bill through Committee, but give ample time to hon. Members representing the large boroughs to consult their constituents; and that, afterwards in Committee, they should be careful to see the object of his hon. Friend carried into effect in such a manner that, while on the one hand no person was deprived of his vote, so on the other the right of voting should not be carried further than was intended by the Reform Bill.

Mr. HENLEY said, so far as the principle of this Bill had been laid down by the noble Lord who had just addressed the House, and by the hon. Baronet who introduced the Bill, he believed there would be very little, if any, difference of opinion in the House. He (Mr. Henley) believed that to carry out, legitimately, the franchise that was conferred by the Reform Bill, no one would object. But, unfortunately, the wording of the Bill did something which was very different. What did it do? The rate was the foundation of the register in boroughs; but this Bill was so worded, that when persons had once made their claim, then the person who made up the register would never have to look at the rate in future, but must take that particular class of persons from the old register. He thought the House ought to provide that, when a person having so made his claim was put on the register, he was not to remain there for ever, whether he had the same tenement or not, unless somebody objected to him. That was the real difficulty of the case. If the noble Lord wished to carry out that which was the object of the Reform Bill, he (Mr. Henley) should offer no opposition; but if, in attempting to carry that out, the House put persons on the register where they would remain until they were objected to, they put them in a position in which no other voter was placed. That certainly was not the object of the Reform Bill. He did not care a farthing whether the Bill was postponed for a fortnight or not, so that the House had ample time given them before they went into Committee.

Sir W. CLAY said, if the House would agree to the second reading, he should propose that the Bill be committed on Wednesday, the 12th of March.

MR. F. MACKENZIE would then withdraw his Amendment.

Question proposed, "That the word "now" stand part of the Question."

Amendment, by leave, withdrawn.

Main Question put and agreed to.

Bill read 2°, and committed for Wednesday 12th March.

EXPENSES OF PROSECUTIONS.

SIR G. GREY moved for leave to bring in a Bill to amend the law relating to the expenses of prosecutions. His object was to make the law and practice more uniform as to the expenses, and to remedy some anomalies that now existed in regard to the apprehension and trial of offenders. The expenses of criminal prosecutions were regulated by the 7th George IV., cap. 61. They might be divided into three classes. The first class embraced the expenses of the preliminary proceedings before the magistrates, and previous to a committal, including compensation for trouble and loss of time to the witnesses. The second class consisted of the expenses of attending before the grand jury and at the trial at the assizes or sessions, and the expenses of the prosecutor in preparing the indictment, and carrying on the prosecution. The third class consisted partly of expenses, partly of rewards ordered by the court to parties active in the apprehension of offenders. As to the first class of expenses, they were now regulated simply by the certificate of the committing magistrate. Those in the second class were ascertained by an officer of the court, subject to regulations laid down by the magistrates at quarter-sessions, and approved of by the Judges at the assizes. As to the third class of expenses, there existed at present no power to make regulations, the payment depending on the discretion of the court. The effect of this state of the law had been to produce the greatest discrepancies in the amount of the expenses for criminal prosecutions in different counties. He last year called for a return of the amount of the expenses under these heads in all the counties and boroughs in England and Wales, and the result showed discrepancies far greater than could be accounted for by any circumstances peculiar to the different counties, and which must have arisen from the different discretion exercised by those who had the power in their respective jurisdictions of fixing the amount to be paid on account of such expenses. By the Bill he wished to introduce, it was proposed to repeal the existing law with regard to these expenses, and to give a power to the Secretary of State to regulate them. As to the preliminary expenses—namely, those previous to committal—it was intended that they should still be certified by the magistrates, but that the certificate should not be final. The ordinary payments for the apprehension of offenders, would be reduced to a uniform scale, but the court would still retain the power of granting rewards for extraordinary courage and activity. By a subsequent clause in the Bill, the justices in quarter-sessions would be empowered, if they should think fit, to recommend that clerks of the peace should be paid by a salary instead of by fees. He had not thought it right to lay down an inflexible rule in that matter, but to leave it to the judgment of the magistrates in quarter-sessions whether they would recommend such a change to the Secretary of State, who, in that case, was to have the power to fix the amount of salary to be paid, provided it did not exceed the amount recommended by the magistrates. Clerks to the justices of peace would also be prohibited from being concerned in conducting any prosecution that had arisen out of examinations taken before such justices. There were other provisions in the Bill, which he would only shortly advert to. One of them related to the Central Criminal Court. When that court was established by 4 & 5 William IV., c. 36, jurisdiction was taken away in a variety of cases from the courts of quarter-sessions held within the district of the Central Criminal Court. The effect of this had been that at the Westminster Sessions, although presided over by a learned and highly-qualified Judge, certain cases could not be tried, notwithstanding similar cases were being tried every day in the courts of quarter-sessions in every other part of the kingdom. Delay in the administration of justice, as well as expense, was found to result from this arrangement. He therefore proposed to repeal so much of the Act as restricted the cases cognisable by the quarter-sessions within the district of the Central Criminal Court, and restore to those courts the same jurisdiction as was now exercised by the quarter-sessions in every other part of the country. The Bill also contained a provision for remedying inconveniences connected with the practice of backing warrants in the Channel Islands. Another circumstance had been pointed out to him as being productive of considerable trouble, expense, and delay. There were certain towns and cities which were counties of themselves, but in which no assizes were held, those places not being considered counties for such a purpose. Persons charged with offences in those towns and cities were committed by the magistrates to the gaol within the jurisdiction of such towns or cities, and could not be removed for trial at the assizes of the adjoining county—until a *habeas corpus* had been sued out, with considerable inconvenience and delay. It was proposed to give the magistrates of those towns and cities power to commit prisoners at once to take their trial at the assizes held in the adjoining county; and the removal of the prisoners from the gaol of the county, of a city or town, would then take place as a matter of course without any writ.

Mr. F. MACKENZIE wished to know whether the Bill was intended to apply to Scotland? The present system entailed very heavy expenses on that country, and he was afraid those expenses were likely to be increased by a resolution of the Treasury to pay by salaries instead of fees.

Mr. HUME said, there was one point in the right hon. Baronet's speech which ought to be considered: that was, the allowing differences to exist in different counties with regard to the payment of officers connected with public prosecutions. If hon. Gentlemen would take the trouble to read the evidence given before the Committee of the hon. Member for Manchester, they would see that the evidence of the chief constable of Stockport was directed entirely to that point, and threw much light upon it. That was a subject of the greatest possible importance; and during the progress of the Bill, he should use his best exertions to provide a remedy for the evil, for he could not think the right hon. Gentleman the Home Secretary would allow one rule to obtain in Lancashire, and another in Cheshire, instead of providing, as he ought, that clerks of the peace should be placed on the same footing in every part of the kingdom. He (Mr. Hume) would suggest that the right hon. Gentleman should repeal all the present Bills relating to prosecutions, and bring forward one single measure relating to that question, for at present the law was so exceedingly complicated that none but a lawyer could understand it. A Bill of that nature would be of immense importance, and would greatly facilitate the proceedings, while it would considerably lessen the expenses of criminal prosecutions.

Mr. S. WORTLEY agreed with the hon. Member for Peebles-shire, that it was of considerable importance to know whether this measure was to extend to Scotland. But the object for which he principally rose, was to notice a point which had not yet been adverted to—namely, the necessity of making some provision, not for the regulation of the expenses of, but for the conducting of prosecutions. The existing system was an extremely defective one. How it was to be remedied might require much consideration; but, as it was, it placed not only the Judge but the administration of justice in the greatest jeopardy. In a great majority of cases there was no one responsible for the prosecution. The depositions were placed in the hands of the Judge, who had no previous knowledge of the case, and had to extract the facts from the depositions as well as he could. It was said, that the Judge ought to be the counsel of the accused; but he differed from that maxim, and thought the Judge should hold himself impartial between the accused and the accuser. The Judge was now, however, placed in a peculiar position from being obliged to rely on the depositions for the prosecution; and it very often lengthened the trial, as the Judge could not know to what points he ought to direct his attention. He (Mr. Wortley) knew cases where such confusion arose from the depositions, that prisoners of whose guilt there could be no doubt had escaped. He was aware that the observations he was making tended to the creation of a public prosecutor; but he did not believe it would be necessary to go to such an extent, though he was decidedly of opinion there ought to be some person to see the depositions were in a proper form, and that the case was properly brought before the jury. As to the expenses of grand jury cases, his experience induced him to think it very doubtful whether they could hope for any decided saving without a change in the system. The Chief Justice of the Common Pleas had introduced some alterations which worked well, and some expense might be saved in those districts where there were stipendiary magistrates.

Sir G. GREY said, with regard to the observations of the hon. Member for Montrose, he had to assure him that the Bill provided a limitation of the expenses of prosecutions; and in reply to the question put by the hon. Member for Peebles-shire, he had to state that Scotland did not come within the purpose of the Bill. In some respects Scotland had an advantage over England in the matter of prosecutions. For instance, owing to the difference between the law of Scotland and England, certain offences were tried before the sheriff-substitute, which in England would go before a grand jury. With respect to the remarks that had been addressed to the House by the right hon. and learned Gentleman the Member for Buteshire, the difficulty was to attain the end which the right hon. Gentleman had in view without establishing a public prosecutor. His right hon. Friend knew that there was great difficulty connected with the question of a public prosecutor, in relation to the loss to which the establishing such an officer would subject gentlemen of the bar and attorneys whose professional practice chiefly depended on their attendance on assize circuits, and at sessions.

MR. HENLEY said, the public were undoubtedly indebted to the Government for bringing forward the Bill, dealing as it did with a very important subject. It was a question on which much difference of opinion existed as to magistrates' clerks being concerned in criminal prosecutions. If the right hon. Gentleman the Secretary of State for the Home Department thought that provision should be made to prohibit magistrates' clerks from being connected in the prosecution of cases heard originally before the magistrates to whom they acted as clerks, he must of necessity do something with respect to the proceedings of public prosecutions, which were now brought before the courts so imperfectly that their miscarriage frequently occurred. With reference to the question of a public prosecutor, he (Mr. Henley) was certain that to prevent the miscarriage of public prosecutions, something must be done in that direction.

Leave given; Bill brought in by Sir G. Grey, Mr. Attorney General, and Mr. Solicitor General.

SMITHFIELD MARKET—REMOVAL.

SIR G. GREY rose to ask for leave to bring in a Bill for the removal of Smithfield Market. The subject was one which had been brought frequently under the consideration of the House in past Sessions, and it was not necessary, therefore, to enter into an explanation of the circumstances which led to the appointment of a Committee in 1849. That Committee had heard evidence, and had proposed a series of resolutions on the subject submitted to them. In those resolutions they recommended the removal of Smithfield market altogether, the creation of a new market on some site more convenient, and more conducive to the general health, order, and cleanliness of the metropolis. After the Committee had made their report to the House, the Government referred the consideration of the whole subject to a Commission of seven gentlemen, two of whom were connected with the city of London, which, by ancient charter, had long possessed the right of regulating the market of Smithfield, and instructed them to consider the question of convenience to the public at large, and the consequences which resulted from the position of that market. The Commission were not unanimous in their report; but the exceptions were the two gentlemen connected with the city of London; and, with those exceptions, the Commission were unanimous. They considered not only the evidence taken by the Committee, but had before them in detail the plans prepared by the city of London for the improvement of Smithfield; and the question they considered was, whether the plans proposed by the City, and of which he was bound to say the City authorities afforded the most ample explanations, would meet the evils complained of, and provide sufficient remedy for the inconveniences which had been proved to exist. It was not necessary for him to go into the details of the measure which had been adopted by Government, as the House would have ample opportunities of considering them in future stages of the Bill; and he did not anticipate any lengthened discussion upon the present Motion, or any opposition to laying the Bill on the table. He would only say, that the Commission, having the plans proposed by the City before them, and giving the City ample credit for the great improvements which would, no doubt, be made if those plans were carried into effect, came to the conclusion, that it was expedient to remove the market from its present site, and that it should no longer remain in the heart of a populous and crowded city. After the Commission had reported the result of their inquiry to the Crown, a letter was written, by his directions, to the City Remembrancer, dated June 24, 1850, and enclosing the report. The letter was as follows:—

"I am directed by Secretary Sir George Grey to enclose, for your information, a copy of the report made by the Commissioners appointed by Her Majesty to inquire into Smithfield market, and the markets of the city of London for the sale of meat, and to request that you will bring under the notice of the corporation the recommendation of the Commissioners with respect to the discontinuance of the present market at Smithfield, and the establishment of a new market for the sale of cattle in a place without the City, and detached from the central portion of the metropolis. Before a Bill founded on the recommendations of the Commissioners is proposed to Parliament, Sir George Grey is desirous of ascertaining whether the corporation are willing to undertake the task of constructing a new cattle-market without the limits of the City, and of exercising the supervision of it when formed."

To that letter the City Remembrancer sent the following reply on the 21st of July:—

"Sir—In answer to your letter of the 24th of June, I am directed by the Markets Improvement Committee of the Corporation of London, in pursuance of an order of the Court of Common Council of the 23rd of July, to state, that your letter, and the reports accompanying it, have been fully and maturely considered; and, the notice of the corporation having been drawn by your letter to the recommendation of five of the Commissioners for the discontinuance of the present market at Smithfield, and the establishment of a new market for the sale of cattle without the City, the corporation are advised to protest against the commission being used for the purpose of affecting the rights prescriptive, chartered, and Parliamentarily and judicially confirmed to the corporation of London, and cannot concur in the proposed removal of the market from the place where it has been held by the citizens of London from time immemorial under the common law and their charters, which prohibit the establishment of any other market within seven miles of the City, and which charters have been confirmed by Parliament, and lately supported by the judgment of the House of Lords, assisted by the Judges. The corporation of London, therefore, feel themselves called upon to maintain those charters for the sake of the public and of their fellow-citizens; and rely with confidence that no such Bill as that referred to in your letter will be proposed to Parliament. The corporation having recently prepared a comprehensive plan and model, for the purpose of meeting the suggestions pointed out by the reports of the several Select Committees of the House of Commons, and proposed means for effecting it, they cannot undertake the task of constructing a new market without the limits of the City, for which no site, nor plan, nor estimate is suggested; while the plan proposed by the corporation is ready, when sanctioned by Parliament, for immediate execution."

In other words, the Government were desirous that the supervision of the new market should continue in the hands of the city of London, in the hope that the City would have acted on the recommendations of the Commissioners. The corporation, however, by their letter, declared they would take no share in the concerns of the new market. It therefore became the duty of Government to consider how the recommendation of a Committee of that House, and the report of the Commissioners, should be carried into effect. A Bill had been framed with that object, and he would briefly state what were its principal provisions. In the first place, it would empower the Crown to appoint a commission of five persons, to be incorporated under the name of "The Metropolitan Cattle Market Commissioners." These commissioners would have power to provide a cattle market in lieu of Smithfield, having at the same time full discretionary powers left to them as to the choice of a site for the new market. They would also be authorised to provide a meat market, and to make the requisite conveniences for both the markets thus to be created. The commissioners further would have power to make by-laws as to the days and hours for holding the markets, as well as for their regulation and conduct internally. They would be empowered to fix a table of tolls and a table of payments in respect of cattle, horses, and meat sold in the market, and of the use of pens and lairs, with a power to levy such tolls, rates, and payments, subject to the proviso that they were not to exceed an amount to be fixed in a schedule to the Bill. The commissioners were to report to the Secretary of State when the markets were ready for public use, and a notice would then be inserted in the *Gazette* as to the time when the markets would be opened; and after a time to be specified in such notice, Smithfield would cease to be a market, and no new cattle market would be allowed to be created within five miles of St. Paul's. The Commissioners of Police would have authority to regulate the routes and hours for driving cattle to and from the market. The Market Commissioners by other provisions of the Act would be empowered to raise money by mortgage on future tolls for the necessary expenses. They would be required to fix penalties, as directed by the Bill, which would provide for enforcing their payment, and they would also have to keep accounts of all transactions in their department; provision was made for auditing and publishing those accounts, and the commissioners would be required to make an annual report to the Secretary of State to lay before Parliament. The Bill also gave them power to inquire into the state of all slaughter-houses, and provided that all slaughter-houses, except those under the Act, should be licensed by justices at quarter-sessions. These were the principal provisions of the Bill. He believed it was to some extent of the nature of a Private Bill, and must, therefore, be referred to the Committee on Standing Orders. He had no wish to press it with undue haste, and he would give ample time for considering all the details of the Bill; but, as it would have to be referred to the Committee, he could not fix a time for the second reading until the report of the Committee had been received.

Mr. BUCK said, the farmers and graziers around the metropolis ought to feel extremely indebted to Her Majesty's Government for bringing this subject under the consideration of Parliament. He knew that the proposal to change the site of the market would be exceedingly welcome news to many of his constituents in North Devon.

Mr. STAFFORD thought the assurance of the right hon. Baronet the Secretary of State, that the Bill would not be pressed with undue precipitation was very necessary, and was of opinion considerable time should be given to understand the provisions of a measure involving an immense amount of patronage, and a large discretionary power in the hands of a new set of Commissioners, as well as a complete change of the metropolitan markets. He observed that their discretionary power was unlimited, and that no appeal was to be given from them, whatever districts might object to the new market sites. The Bill also contained a clause that no market for live or dead meat should be allowed within five miles of St. Paul's. [Sir G. Grey: The prohibition only applies to live cattle-markets at present.] It was rather premature for the hon. Member for North Devonshire to express his thanks, and those of the farmers, to Goverment till they knew where the new market was to be; the change might be from bad to worse. The changes proposed to be made respecting slaughterhouses involved an immense amount of capital, and introduced a mode of dealing with private property which the House never had adopted before. The House had now before it one Bill from the Great Northern Railway Company, another from the Islington Market, a third from the City, and a fourth from Government. The latter would exclude all the others, unless it was understood that they would select Islington as the site for the new market, and that had been condemned by the Commissioners. The charters of the corporation must be considered; and he warned the right hon. Gentleman how he brought in a Bill which would meet an opposition he little expected in another place, where charters were more carefully regarded than in that House. He would not offer any opposition to the right hon. Baronet's Motion; but he begged to ask when he proposed to take the next stage, and if it would be presented as a public or as a private Bill?

Sir G. GREY replied, that he had already stated he could not fix any day for the second reading; because the nature of the Bill required it to be presented to the Standing Orders Committee. The Bill was partly of a private and partly of a public nature, and before it was presented to the House must go through certain stages before that Committee.

Mr. S. WORTLEY hoped that, in the absence of any of the Members for the city of London, his connexion with the corporation would entitle him to say a few words, and to ask the House to give full consideration to the claims of that corporation. The right hon. Baronet the Home Secretary had explained the plan of the Government, but he had not entered upon any explanation of that suggested by the corporation; and, though considerable difference of opinion existed in the corporation as to the removal of the market, he knew they were unanimous in the wish to effect the greatest improvement consistent with the public interest and the importance of private rights. He thought it would only be fair to refer the rival schemes to the same Committee, who could decide which was best. Although the right hon. Baronet had not mentioned the intended site of the new market, it was generally known to be somewhere about Holloway; but, before it was fixed upon, he wished to secure for the proposal of the City a full consideration by the House.

Mr. ELLIS said, the Bill would be hailed with great satisfaction by the graziers in every part of the country.

Sir G. GREY said, that he gave every credit to the City for the desire to improve Smithfield as far as possible; but the question was, whether the evils arising from the locality did not call for the absolute removal of the market to another site.

Leave given.

Bill ordered to be brought in by Sir G. Grey and Mr. Cornewall Lewis.

HOUSE OF LORDS,

Thursday, February 20, 1851.

Minutes.] Public Bill.—1ª Court of Chancery (Ireland) Regulation Act Amendment.

THE COURT OF CHANCERY.

Lord BROUGHAM, after explaining that he wished to avoid bringing forward the measure for extending the jurisdiction of County Courts to cases of Bankruptcy until it should have undergone consideration by the Judges in Bankruptcy, as well as the Judges of the County Courts, and that the measure which he had intimated his intention of bringing under the notice of their Lordships to-morrow related to other extensions of the jurisdiction of County Courts, proceeded to state, that he wished to ask the noble and learned Lord on the woolsack a question with reference to the Court of Chancery. The question did not relate to general changes in that Court, still less to changes in the course of the proceedings. It related simply to the present vacancy in the office of the third Vice-Chancellor, created by the unfortunate state of Sir J. Wigram's health. He (Lord Brougham) was certainly one of those with whose concurrence—he was the person, indeed, at whose instigation—a noble and learned Lord, not now present, inserted a provision in the Bill of 1841 to the effect, that, when a vacancy occurred, the office of the third Vice-Chancellor should not be filled up. It seemed to him perfectly fitting (and their Lordships concurred with him) at that time, that the number of Vice-Chancellors should be so limited. Looking to the state of the business in the Court, to the history of that business and its increase, to the history of the Court, and the great increase in its judicial power, it appeared, from a review of the subject, which went back to 1813, when the first Vice-Chancellor, since designated the Vice-Chancellor of England, was appointed, that the judicial power had then increased in a greater degree than the business. The business had undeniably increased between the creation of the office of Vice-Chancellor in 1813, and the appointment of the additional Vice-Chancellors in 1841. Several modifications had occurred in the arrangements, with reference especially to the Master of the Rolls, who, since his (Lord Brougham's) Bill of 1833, sat in the day, instead of in the evening only; and the creation of the new Courts of Bankruptcy had taken the Bankruptcy business from the immediate cognisance of the Great Seal: so that when by the Bill of 1841 two new Vice-Chancellors were to be added to the Court of Chancery, doubling or tripling the judicial force, it appeared advisable that, unless there were a permanent increase in the business, the third Vice-Chancellor should not be continued. He was bound, however, to say—not that he thought either himself or the noble and learned Lords wrong who approved the arrangement for restricting the number of Vice-Chancellors to two—that there had been a most material change in the circumstances of the Court since 1841; there had been the greatest change, not in the number of bills, yet in the kind of business. It was more operose, and led to much greater obstruction. To mention only one change which had occurred in the business in the ten years between 1841 and the present time, the railway system had brought to the Court of Chancery a totally different class of cases, a class of cases which were of a most laborious, as well as of a difficult, description. That circumstance, as well as the number of claims under the new orders, met objections to the continued appointment of a third Vice-Chancellor, which had force in 1841, but which no longer existed. The obstruction in the Court of Chancery, to the Court and to the suitors alike, from the want of the third Judge, was now become really almost intolerable. He wished to ask whether the noble and learned Lord on the woolsack could give their Lordships any assurance that steps would be taken to enable the Crown to appoint a third Vice-Chancellor? and he hoped his noble and learned Friend would not postpone that measure, which every one acquainted with the circumstances of the case felt to be one of absolute necessity, and that he would not wait the event of any larger changes which might be in contemplation with reference to the Keepership of the Great Seal or the Chancellorship, because the appointment of a third Vice-Chancellor was only the continuation of an office necessary for some years at least, and the question relating to it was totally independent of any of the larger changes to which he referred.

The LORD CHANCELLOR said, that the necessity of meeting the evil to which his noble and learned Friend had referred, had been much pressed upon Her Majesty's Government, and it would have their attention as early as possible. But many important alterations in the establishment and in the forms of proceeding in the Court of Chancery were in contemplation; and in the course of next week a Bill would come under the consideration of Parliament for the purpose of effecting these objects. Her Majesty's Government were averse to make any alteration in the present judicial system until that Bill came under the consideration of Parliament. That Bill would embrace the appointment of an additional Vice-Chancellor, which had now become absolutely necessary. He thought, however, that that appointment could not be thus delayed, for that Bill must occupy the attention of Parliament for a considerable time, and the state of business in the Court of Chancery was such as to require relief before that Bill could become law. It was not that there had been an increase in the number of bills filed, but alterations had been made in the law which enabled parties to bring matters to a hearing summarily which before could only be disposed of in the ordinary course of a Chancery suit. Questions with respect to the liabilities of parties to contribute as railway shareholders could formerly only be discussed by the institution of a suit; but the parties were now called upon to come to the office of one of the Masters in Chancery, and their liability was there determined by a petition presented to one or other of the branches of the court. Many important questions were now able to be decided summarily, which formerly required the institution of a suit. He believed he was correct in saying that 400 or 500 causes had been added to the Vice-Chancellors' paper since Michaelmas Term last; and that, added to a considerable number that were there before, would present occupation for a considerable period. If their Lordships were aware of the number of cases that had been heard and disposed of, they would be far from thinking that there had been any delay in the business of the Court where that business had been done; but their Lordships would perceive the great length of time that must elapse before the number of cases now before the Court could be disposed of, independently of the daily and almost hourly accumulation of business that was taking place. He, therefore, thought that the Government would find themselves of necessity compelled to appoint a third Vice-Chancellor, before they were able to carry the larger Bill into effect.

Lord CRANWORTH observed, that, as he had the honour of holding the office of one of the Vice-Chancellors, he would add his testimony to the testimony already given, that it was necessary with the least possible delay to introduce a measure, such as the noble and learned Lord (Lord Brougham) had suggested. He knew not whether their Lordships, and the country generally, were aware of the nature and extent of the difficulty arising from the want of judicial strength in the Court of Chancery. The business of the Court of Chancery might be divided popularly into two classes. The first brought cases into Chancery which were proverbially subject to great delay, and occupied a great length of time; but there was another class of business which was not so well understood by the public, and which brought a vast quantity of interlocutory applications and questions before the Court. These would popularly be called causes; but, instead of being matters determined after great delay, or occupying a great deal of time, they were brought on rapidly and decided more quickly, he ventured to say, than any other causes before any other tribunals in the country. For instance, a party complains of something done by a neighbour on lands adjoining the house of the complainant, whereby the security of that house is endangered. Within twenty-four hours after the act done, an application would be made to the Court of Chancery on the subject. The hearing would occupy half a day, and immediate redress would be obtained. There were other cases which occupied enormous time. Railway companies took land, and gave compensation. The money was in certain cases paid into Chancery. A petition was presented, and the result was, that the question came to be discussed, with respect to the parties concerned, who was entitled to receive for life, and who afterwards. These were questions which brooked no delay, and were disposed of as soon as they were reached. He was perfectly persuaded that his statement would be accurate, when he said that two-thirds of his time were occupied in what he called these summary proceedings. What was the consequence? He had only two days in the week to bestow on other cases. Supposing he were the only Vice-Chancellor, the effect of adding another Vice-Chancellor would multiply the period allotted to those other cases, not by two, but by four; because the summary business would occupy himself only two days, and his colleague two days; and each of them would have four days to give to the ordinary business of the Court. An application had been made to him by the counsel in his Court, asking him to sit for a limited number of days in the evenings, as well as the mornings. But, with every anxiety to assist in relieving the present pressure, he had said he could not do it; he had neither physical strength nor mental energy to undergo the labour. Any man whose mind was devoted uninterruptedly to questions of this sort from 10 o'clock in the morning to 4 o'clock in the afternoon, would find, that having to look in the evening at those matters on which he could not make up his mind before, and having to consult authorities, the plan of sitting four hours longer in the evening would lead to the result that a greater quantity would be heard, but that papers would only accumulate at the Judge's house, and nothing more could be done to dispose of the business. He bore the tribute of his testimony to the truth and justice of the observation, that the want of the new officer alluded to by the noble and learned Lords was most urgently and severely felt. He could not see that the appointment would in the slightest degree interfere with any arrangement which might be contemplated by Her Majesty's Government with reference generally to the Court of Chancery.

Lord STANLEY said, it was clear from what had fallen from all the noble and learned Lords who had spoken upon that subject, that the present Court of Chancery was inadequate to deal with the business brought before it; and as the important changes in the administration of justice in the Court of Chancery which were contemplated by Her Majesty's Government would lead to considerable inquiry and discussion, he could not help thinking that it would be necessary to keep separate the measure for carrying out those changes, and the measure for the reappointment of third Vice-Chancellor. But he had risen principally for the purpose of putting a question to the noble and learned Lord on the woolsack. The noble and learned Lord announced that it was the intention of Her Majesty's Government to introduce forthwith a measure for dealing with the larger and more important question. Now he wished to ask the noble and learned Lord in which House of Parliament Her Majesty's Government proposed to bring forward the measure in the first instance? He could not help thinking that it ought to be introduced in their Lordships' House for many reasons. In the first place, they had always but little employment at the commencement of every Session, while they were overburdened at its close; in the next place, there was at present a pressure of business in the other House; and, finally, the Bill related to a matter confessedly within their Lordships' jurisdiction, while in that House were to be found all the main authorities upon the subject.

The LORD CHANCELLOR said, that no determination had yet been come to as to the House in which the Bill should be introduced in the first instance. But the facts stated by the noble Lord would no doubt receive due consideration from Her Majesty's Ministers.

Lord BROUGHAM said, there could be no doubt but it was necessary at present to appoint a third Vice-Chancellor; but that was a question altogether distinct from the policy of making any general change in the administration of justice in the Court of Chancery.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 20, 1851.

Minutes.] New Member Sworn.—For Nottingham County (Southern Division), William Hodgson Barrow, Esq.

Public Bills.—1ª Fee Farm Rents (Ireland); Metropolis Buildings; Civil Bills, &c. (Ireland).
Reported.—Mills and Factories (Ireland).

METROPOLIS WATER BILLS.

Sir G. GREY moved "that it be an Instruction to the Committee of Selection not to fix the sitting of the Committees upon any Bill connected with the supply of water to the Metropolis, or any part thereof, till at least one week after the Easter Recess." The House was aware that, in the course of last Session, a recommendation was made by the Board of Health in favour of a totally new mode of supplying the metropolis with water. The evidence on which that recommendation was made had been put into the hands of Members, and it had since been fully considered by the Government. A Bill was now in preparation on the subject, which he hoped would receive the sanction of the House; but it was extremely desirable that no new interest should come in as a medium for supplying the metropolis with water. Without wishing, therefore, to interfere with the second reading of those

Bills which had been brought forward—as it might be desirable that some of them at least should be considered on their merits, he thought that the fairest course, even to the parties promoting those Bills, was that which he now proposed.

MR. VERNON SMITH said, a somewhat similar course was taken last year; but, as an hon. Member having charge of one of those Bills to which the right hon. Gentleman had referred for supplying the metropolis with water, he should like to hear from him what was the nature of the Bill he had to propose on the part of the Government. He would also ask whether, considering the late period at which Easter occurred this Session, it was necessary that the postponement of the Water Bills should take place till that time. It might possibly have the effect of preventing for another year any improvement in the mode of supplying the metropolis with water.

MR. WILSON PATTEN wished to put another question to the right hon. Gentleman. Some Bills had been put into his hands relative to the supply of baths and washhouses, but not including water for domestic use. Had the attention of the right hon. Gentleman been called to these Bills, and did he mean to include them in his Motion?

SIR G. GREY thought it might be inexpedient at the present moment to state the purport of the Bill which was in the hands of the Government; but, in answer to the questions which had just been put to him, he might say, that the Board of Health was of opinion that it was undesirable and inexpedient that the supply of water to the metropolis should be made the subject of competition. He would not enter more fully into the subject before he had an opportunity of laying a Bill on the table of the House. It was already in preparation, and he hoped before Easter to bring it in, when it might be desirable that he should make a short statement of its provisions. With regard to the question of the hon. Member for North Lancashire, he had to observe that the chief object of the Government was, to supply water for domestic purposes; at the same time, he was bound to state, that he had been informed the water which was at present supplied to the baths and washhouses was, in some cases, unsuited to the purposes for which it was required; the Bills, therefore, to which the hon. Member referred were included in the present Motion.

Instruction ordered.

EXPLANATION—PETITIONS.

SIR H. WILLOUGHBY wished to put a question to the noble Lord the Member for Bath respecting the accuracy of a statement which had been attributed to him in the newspapers, as to the right of the people to petition the House of Commons. The noble Lord was reported to have said, at a public meeting—

> "That he had, on the previous night, presented a petition which he had received from his constituents at Bath, stating, that they viewed the budget with surprise and regret. He was called to order by the Speaker, and was told that the people of England had no right to express surprise and regret at anything done in the House of Commons."

VISCOUNT DUNCAN: I have to thank my hon. Friend for having had the courtesy to give notice of the question he has just put. I willingly bear testimony to the general accuracy and fidelity with which speeches are reported—both those which are made in, as well as out of, the House of Commons, considering the great noise and confusion which often occur while hon. Members are speaking. But the words which I made use of at the meeting, to the best of my recollection, were these. I said that—

> "I was called to order by the Speaker, and was told that the people of England had no right to express surprise or regret upon any matter mentioned in debate in the House of Commons, and which could only reach them through the reports in the journals, unauthorised by the House."

I made this explanation to the meeting in consequence of having received so many petitions all similarly worded, and all expressing extreme surprise and regret at the financial statement of the Chancellor of the Exchequer.

LAW OF PARTNERSHIP.

MR. SLANEY rose to move the appointment of a Select Committee to consider the Law of Partnership. The question was, he believed, one of much more importance to the well-being of the country than might be at first sight imagined. He rejoiced to think that some of the measures for the advantage of the great mass of the people had been already accomplished by that House; but he believed that there was no measure better calculated to advance and improve the condition of the people generally than the measure he was now about to submit to the House. The question was one deeply affecting all classes, and on these grounds he ventured to ask the attention of the House to his Motion. If they looked at the state of the great body of the working classes since the beginning of the present century, it would be found that while other classes were progressing, these persons were stationary, and were not partakers of the general improvement of the country. He need not refer to the condition of the agricultural classes during that period. It was well known, in many places, that their position was worse now than it was twenty-five years ago. With respect to rural labour, let them take twenty-six counties in the south of England, and, drawing a line from the Severn mouth to the Humber, they would find that in every county south-east of that line there had been, during the period he had alluded to, an abuse of the poor-law, and a neglect of the humbler classes, the consequences of which were now felt. Again, if they turned to the great towns of the realm, they would find the symptoms of a similar neglect. The state of the working classes was always regulated by the proportion of the supply and demand for labour, and this we had disturbed, and created a redundant population in the south of England by the poor-law abuses, and in Ireland by the Subletting Act. There was not a town in the kingdom which was not suffering from the effects of this evil. Then, again, the demand for labour was seriously restricted by the law of settlement as it stood; but as there was now a prospect of some remedy being applied in this respect, he would not offer any remarks as to the mode in which that law operated to the prejudice of the working classes. He now came to the restriction placed upon the employment of labour by the laws which prevented the united investment and distribution of small capitals for productive purposes, and, consequently, the accumulation of such capital, and the employment which under a wiser system it would give to labour. This was a subject important to all. It was important to the revenue, the manufacturer, and the landowner, as well as to the labouring population. If the fetters by which private enterprise of the description he alluded to was now confined were removed, the consuming power of the masses would be increased, and the customs, as well as the manufacturer and producer of articles of home consumption, would be benefited by the greater demand, and the andowner would be advantaged by the increased demand for land, and the additional security he would have for his rent. Look at one of the results of this system of cramping the energies of the people by those laws which restricted the free employment of capital. Looking around them there appeared vast heaps of capital in the hands of a few persons; and the Chancellor of the Exchequer could send out his Exchequer bills at 60*s.* premium, though paying only 2¼ per cent. If they turned to the working manufacturing population of the towns, it would be found that of these, consisting of three millions of the most intelligent and industrious of the community, many were in a state of depression and degradation, owing to neglect of provisions for their health, decency, and comfort, as shown in the reports of the Commission on Health, in 1844 or 1845. Let them contrast the splendour, the magnificence, and the luxury which existed in the present day with the wretchedness, poverty, and misery by which they were surrounded. It was evident that there must be something wrong in the system which permitted such a state of things to exist. For all this took place while there was at the same time plenty of capital and plenty of labour; but the state of the law prevented their combination. And thus it had been seen that hundreds of women, crushed to the earth amidst penury and misfortune, had been eager to avail themselves of the generous exertions of the right hon. Member for South Wiltshire, and expatriate themselves to the other side of the globe, instead of being employed, as they well might, at home. He did not state these things as causes of complaint, but as reasons for inquiry. There were no persons more deeply interested in the welfare of the working classes than the landed interest. He himself derived his income from the land, and his best wishes were for its prosperity. They should give fair play to the tenants of the country as well as the consumers. What was the present state of things in regard to the population? Why, although there was no doubt a great deal of employment given, there was, nevertheless, a vast portion of the labouring classes idle, unemployed, or ill paid, and emigration was going on to a very considerable extent. A great number of the ablebodied, being the most valuable portion of the population, were leaving the country, and distributing themselves over the other quarters of the world. We had, on the one hand, an abundance of capital, and, on the other hand, great skill and industry; but we yet wanted the power of enabling that capital to be employed in the way of obtaining the valuable labour of the country. What was the reason that some of our best and most skilful workmen were obliged to seek a livelihood across the Atlantic, when we had ample means, if the law would permit their full development, of employing them with advantage at home? The effect of this evil manifested itself most injuriously upon the land; and he asked the attention of the hon. Member for Buckinghamshire, while he considered for a single moment this branch of the subject. It would be admitted that this country enjoyed peculiar advantages in the production of beef, barley, cheese, and wool; but those advantages were in some degree marred by a law which prevented the natural direction of capital to the employment of our labour at home, and therefore the demand for these products. If it could, then, be shown that the effect of the law was to fetter the natural employment of capital, he asked the House, as a matter of policy as well as justice, to have that law maturely considered, with the view to its immediate alteration. His belief was, there being no easy mode for the investment of capital by the middle and humbler classes, it was driven into the great bankers' hands, and into the hands of the great monopolists, who would only lend it to persons of great credit and position in the country. These parties often exercised that power which such capital gave them, by putting their feet upon the neck of industry. That was an unfair direction of capital, which should not be encouraged. There were four heads by which the distribution of capital was at present restricted. The first, the means by which the free employment of capital was prevented, was, that everything connected with the title of land—its title and the conveyance of it for the purpose of mortgages—was incumbered with a load of legal chicanery, which often prevented people who had undeniable security from obtaining loans for carrying out improvements by the expense which such legal chicanery entailed, and which in some cases added to the interest the borrower had to pay by 25 per cent. He rejoiced to find that this matter was referred to in the Speech from the Throne, and that a measure might be expected to render transactions of this nature more simple and less expensive. He hoped to see the time when a man might obtain a loan on good security without being subject to any expense beyond a mere stamp, and the cost of drawing the deed. The second means by which enterprise was limited and the employment of capital and labour prevented, was the necessity for having an Act of Parliament, the expense of which would not be less than 400*l.*, to carry out the simplest and most obvious local improvement, as the building of a bridge, the making of a road, the erection of gas or water works, or any purpose of the kind. This might be avoided by passing an Act at the commencement of each Session applicable to each class of such improvements, on the same principle as the Commons Inclosure Act. The third head of difficulties was this, if a number of persons wished to combine their savings and industry together, for perhaps the benefit of the public as well as their own, not a single person could lend them any money without rendering himself liable to the law of partnership; and, again, if any one of those parties who had agreed to be bound by the rules and regulations of the body, was disposed afterwards to turn restive, that one individual would have the power of throwing them into confusion, and of obliging them to go into Chancery. Now, the Committee that had sat last year had fully inquired into all these matters, and had recommended that the law which related to benefit societies should be made applicable to all such cases as he had referred to. He now came to the special subject of his Motion, and to the fourth head, namely, the law of partnership. He would state to the House as simply as he could what that law was at present. If a number of persons joined together, and one of them chose to advance a sum of money, however small, to aid and assist the partnership, he was liable, in the words of Lord Eldon, to his last shilling, and his last acre. The effect of such a law was this, it limited the distribution of money to the great capitalists, who thus absorbed the whole wealth of the country, and it prevented the distribution of capital to the rural districts, and, as a necessary consequence, the employment of the people. A laudable scheme was set on foot a short time ago for the erection of lodging-houses for the benefit of the working classes; but the law stepped in to prevent its being carried out, as it declared that every man who advanced money towards it rendered his entire property liable. A charter was then applied for; but when it was obtained it was at the cost of 1,000*l.*, which took away all the profits of the undertaking. He asked whether that was not a gross injustice and a direct stoppage to the employment of the people? The report of the Committee to which he had referred recommended that charters of this nature should be granted with greater facility and at much less expense. This question of unlimited liability prevented enterprise and employment, and kept down the price of wages. The humbler classes were prevented from combining together for the welfare of their neighbours and their own advantage. But it was said that the present state of the law was so far good that it prevented wild and bad speculations; and it was therefore necessary to cast the shield of the law of partnership around the people themselves. He did not concur in such an observation; for he thought that they would be better consulting the interests of the people by allowing them to manage their own affairs, than interfering with them by Acts of Parliament. This subject had been gravely considered by the late Lord Sydenham in 1837, and also by the late Lord Ashburton, and they respectively decided in favour of an alteration in the law. Mr. Stuart Mill, who had been examined before the Committee last year, also gave valuable evidence in favour of such an alteration of the law of partnership as should permit the middle and the lower classes combining together for the improvement of their own condition, and the welfare of their more humble neighbours, by limiting the responsibility of each individual in any combined enterprise to the amount of his own stake. According to that authority, such a system had operated most successfully in America, and would no doubt do so here. But it had been objected, if you once permit such arrangements you might open the door to all the evils of combination amongst workmen. But surely those who were daily enjoying the benefits of combination in their clubs were not the men to refuse to the working classes the right to avail themselves of the same privilege. It was also said that such a change as he (Mr. Slaney) recommended would lead to undue and improvident speculation. But was there nothing of that kind now? Look at half your joint-stock companies, at your gold mining companies, and many of the railroad schemes of late years, and say, were they anything better than mere bubbles, into which men rushed only because they were prevented embarking in really beneficial schemes of minor enterprise? He firmly believed that if the enfranchisement of capital, and the several other remedial measures to which he had glanced, were fairly carried out, we should have greater advantages springing from renewed industry, additional employment, consumption, and accumulation, than we could have from any other source. The Chancellor of the Exchequer had experienced great difficulty in making his taxes acceptable to the people; but, with increased capital and renewed industry, that difficulty would be removed. If the masses of the people were allowed fair play for their industry, an increase of capital and wealth would be immediately manifest. He fervently hoped to see the fetters placed around the accumulation and distribution of capital struck off; but, at present, he was asking for nothing of the kind—he was simply asking for the appointment of a Committee to investigate the subject. He was happy to say that, in Italy, France, Holland, and the United States of America, the limitation of liability worked admirably: and, with the testimony upon his side of the ablest men, the deepest thinkers, and the kindest philosophers, he thought himself justified in asking for a fair inquiry, by a Committee fairly chosen, of this most important subject. The hon. Member concluded by moving for a Select Committee, of which he had given notice.

MR. EWART seconded the Motion.

MR. LABOUCHERE said, that he should direct the few observations it was his intention to make, less to the great variety of topics which the hon. Gentleman had introduced into his speech, than to the Motion which he had submitted to the House. The efficiency of the law of limited partnership was an important and a much controverted question. A Special Committee of that House, of which the hon. Gentleman was chairman, had been appointed to consider it, and the hon. Gentleman now moved for its reappointment. For his own part, he (Mr. Labouchere) was not able to come to any very decided opinion upon the subject, for, if they looked to authorities, they would find that the authorities were almost equally divided. The greatest commercial and the greatest legal authorities had expressed the most contrary opinions as to the effect which might be produced by introducing a system of limited liability which prevails in other countries, where capital is less abundant. Persons of great experience, great philanthropy, have expressed strong doubts whether the stimulus which a law of this nature would undoubtedly give, might not lead to consequences extremely injurious to the general interests of the country. The paralysation of trade through an over-exertion would do more real injury to the interests of the working classes, than the proposed measure could effect for their good. He could not put out of his consideration what might be the effect upon those creditors who, induced by an array of names to put trust in the solvency of these companies, found that they were perfectly incapable of discharging their liabilities. While he ventured to express an opinion that any sweeping alteration in the law which now regulated partnership should not be made without reflection, and might be attended with disastrous consequences, he was ready to admit that the laws which related to limited liability might be altered, and might be so modified as to render the investment of capital safer and easier for the capitalist. He did not object to the appointment of the Special Committee now asked for; and he was anxious that that Committee should enter upon its labours with calmness and judgment. He did not believe that, generally or extensively, the application of capital had been crippled. On the contrary, he believed that under existing circumstances there was an abundance of capital, and that it was always forthcoming whenever there was a fair or reasonable prospect of remuneration. Of course, it was sufficiently obvious that any improvement in the law of partnership must directly prove a great benefit to the working classes; but he very much questioned, as a means of investment for their savings, that those undertakings which were of a speculative character were desirable. There was much force and great truth in the observation made by a distinguished authority upon this subject: "They were to look not so much to the possibility of great gains, but to insure a perfect security for those investments, and their entire convertibility." In his opinion these elements were to be found more entirely and truly in the savings banks and in the public funds of the country. He was not insensible to the force of some of the observations which had fallen from the hon. Gentleman as to the importance of non-interposition on the part of the Government with the working classes, as to the mode in which they might think proper to dispose of their savings. The hon. Gentleman had also alluded to co-operative societies. He fully agreed in the expression of opinion that the men who contributed their capital should also work for themselves; and he certainly was of opinion that nothing could be more improper than that the Legislature should throw any obstacles in the way of the disposal of their capital by the working classes. He was always in favour of leaving them in these respects to the exercise of their own judgment. In the long run, however, he was sure it would be found that the safest and the most profitable investments for the earnings of the working man were the savings banks and public funds. With reference to the question of land, a small parcel of landed property was to the eyes of the poor man as the greatest property in England was to the millionaire; and it was certainly most desirable that no obstacles should be placed in the way of the poor man which might debar him from investing his capital in the acquirement of land. He rejoiced that his right hon. Friend the Chancellor of the Exchequer had by his Stamp Act greatly diminished one of the obstacles which formerly oppressed the poor man in this respect. By the Bill which his hon. and learned Friend the Attorney General had announced his intention of introducing, for the registry of the titles of land, a still more formidable obstacle would be greatly removed. Expensive conveyances and titles were the chief means of preventing such a distribution of land which the hon. Gentleman, in common with so many others, desired. He did not know that it was necessary to say any more; he only wished to guard against its being understood that he assented entirely to the practicability of the object which the hon. Gentleman had in view. He would not offer any objection to the Committee, but only amend the Motion by the insertion of the words "expediency of limiting liability" instead of "a proposed limitation."

Select Committee *appointed*—

"To consider the Law of Partnership, and the expediency of facilitating the limitation of liability, with a view to encourage useful enterprise, and the additional employment of labour."

COUNTY FRANCHISE.

Mr. LOCKE KING then rose to move for leave to bring in—

> "A Bill to make the Franchise in Counties in England and Wales the same as that in Boroughs, by giving the right of Voting to all Occupiers of Tenements of the annual value of 10*l.*"

He said that, in again asking the leave of the House to introduce a Bill on the subject of the franchise, he was happy to think that he had the good fortune to introduce the measure thus early in the Session, and thus to have overcome the chief, he might say the only, difficulty which lay in the way of the Government agreeing to his Motion last Session. It was then said that Bills of this kind ought to be brought in early in the Session; that to lay Bills on the table late in the Session, and leave them there, with no intention of taking them up and going on with them, was trifling with the subject; and that at all events the lateness of the Session was a sufficient reason for the Government not supporting his Motion. He considered, therefore, that in bringing forward his Motion in the middle of February instead of the middle of July, he had overcome the chief objection stated by the Government. The noble Lord at the head of the Government had frequently stated his opinion that the Reform Act was capable of some amendment, and that it might be desirable at some time or other to extend the suffrage. Well, the measure which he (Mr. King) was now proposing would in no way interfere with any future plan which the noble Lord might have in view. The plan which he had to propose was simple in its nature, moderate in its terms, and practical in its operation: and he thought it might be said to have this further merit, that it would pave the way for the great and he trusted comprehensive measure of reform which the House and the country were to be favoured with by the noble Lord when the proper time arrived. He did not believe that the present Bill would interfere with any principle of the Reform Bill. It did not propose to disfranchise one borough, or to add a single representative to the number now constituting the House. All it proposed to do was to remove some of the anomalies that existed with respect to the representation, to place the inhabitants of one locality on the same footing, and to give them the same rights and advantages as were already enjoyed under similar circumstances by the inhabitants of another locality. He would not shock the ears of the noble Lord by introducing the word "lodger" on the present occasion, or by going into details respecting electoral districts, which had been called, he believed, discussions about "squares and parallelograms." Neither would he discuss the question respecting the proportioning the number of electors to each representative, which had also been called "arithmetical calculations;" and he trusted he might, on his part, be allowed to express a hope that the discussion would not lead to remarks about the dangers of revolution in connexion with reform. The measure which he proposed to submit to the House was one so simple in its character that the most moderate and cautious reformer might safely adopt it. It contained nothing that would at all interfere with those conditions which the noble Lord last year declared to be essential to the progress of reform. The noble Lord on that occasion said—

> "He had always considered it a condition in every reform—a condition which he thought had been happily complied with hitherto—that the representation of that House, the mode in which it was constituted, the mode in which the people elected their representatives, should be compatible and consistent with a monarchy and House of Lords." [*Hansard*, Third Series, vol. cxii., p. 1168.]

Now, the present small and comparatively insignificant measure was at all events perfectly compatible with things as they were, and would tend to strengthen rather than to weaken both the monarchy and the House of Lords. He hoped that the noble Lord who had made the greatest, best, and most important social revolution which had ever been effected in modern times, would not object to remove those great anomalies which now existed with respect to the representation, when it could be shown that it could be done without incurring the slightest risk. He would likewise maintain that the present was a measure of sound policy. It had often been said that they ought to extend the franchise as far as it could possibly be done with safety, and that by so doing the Legislature would be more respected, the law more promptly obeyed by the people, and property rendered doubly secure. He would ask could there be any doubt as to the respectability of that vast and numerous class who would be affected by this Bill? Was it not to this very class that a great part of the Government owed their seats in that House? He would seriously and gravely ask if a man was a better subject when he lived in one locality than when he lived in another? He might here quote a very apposite extract from a document which had been sent him that very day:—

> "Tens of thousands of men, in certain favoured localities, distributed over the face of the kingdom (I believe the number for 1850, freemen included, is 471,502), enjoy the elective franchise because they pay a yearly rent of 10*l.* and upwards; and tens of thousands of men, scattered over the remaining portions of the country, are deprived of the elective franchise because they pay a yearly rent of 10*l.* and upwards to 50*l.* The test of the requisite fitness and due respectability to possess the vote, in certain places is measured by a rent of 10*l.*, but in other places by a rent of 50*l.* This distinction without a difference is invidious, and manifestly unfair."

He might bring forward a vast number of cases to show the great anomalies which existed. He would take, for instance, the county which he represented. He found that in the borough of Reigate, one of the smallest boroughs in the kingdom, a 10*l.* householder was represented in Parliament, whereas, in the large town of Croydon, which, numerically speaking, might be considered the capital of Surrey, a man might rent a house just somewhat short of 50*l.*—he might transact business daily in the metropolis, and be well acquainted with all that was going on in the country, and yet be entirely unrepresented. Then there was the case of a mechanic, who might live in a house rented at 15*l.* or 20*l.* a year, who might have 100*l.* or 200*l.* accumulated in a savings bank, and yet, simply because he did not live in a Parliamentary borough, would be unrepresented. Compare this man with an agricultural labourer, who might have a 40*s.* freehold, and who would consequently be represented. He could not help thinking that these were great anomalies in a country where we professed to represent property and intelligence, and nothing else. He felt he had a stronger claim to the support of the House this year than he had last year, in consequence of the Act that had since been passed to extend the franchise in Ireland. No man could regret more than he did that that Act had been marred in its passage from that House and back again. Still he contended that the same principle which had been applied to Ireland, viz., the principle of placing the borough and county franchise on the same footing, ought to be extended to England also. The noble Lord, in bringing forward that Bill, said—

> "The measure proposes to place the people of Ireland with respect to representation, in a position, in point of fact, as good as that of the people of England and Scotland. It is founded on the principle that they should not be treated as inferior to the people of England and Scotland; but that they have a right, when England and Scotland possess a certain franchise, to be placed in a position in that respect equivalent to both those countries. But that right they do not at present enjoy, and so much the more does it become justice, does it become wisdom, to unite the people of Ireland with the people of Great Britain, in showing by equal treatment of both, and giving them an equal franchise, you have full confidence in the manner in which they will use that equality and that franchise, and that they may have all the freedom which exists in any other part of the united kingdom."

Now, what had been conceded to Ireland he claimed on the part of those who resided in the counties of England, for he considered that it would be adding insult to injury to say that the people of Ireland were more to be trusted in the exercise of the franchise than the people of England. During the discussion of the Irish Franchise Bill, one of the strongest arguments adduced in its favour was, that the constituencies in that country had actually decreased. Now, he thought he could show that the county constituencies of England had decreased also; and if he did so, he thought he should make out a very strong claim in favour of his measure. By comparing the electoral register of 1836 with 1849–50, he found there was a decrease in Berks of 1,039 voters; Devon, 1,123; Dorset, 488; Hereford, 319; Shropshire, 505; Westmoreland, 747; Wiltshire, 585; and in Worcester, 475. But he might be told that he was going back too far. He would, therefore, compare the register of 1843 with that of 1850. By this comparison he found that there was a decrease in the constituency of Bedfordshire of 415; Berks, 709; Devon, 1,753; Dorset, 843; Hereford, 1,088; Shropshire, 998; Stafford, 1,577; Suffolk, 831; West Surrey, 348; Westmoreland, 210; Wilts, 584; and in Worcester, 1,379. Comparing the total number of county electors in 1843 with that of 1850, he found that in 1843 the number was 484,073, and, in 1850, 461,413, showing a decrease of 22,660 in seven years, while in the boroughs there had been an increase of upwards of 50,000. He thought that these facts proved that if the principle which had been laid down with regard to Ireland last Session was a sound one, it ought to be extended to the English counties—the rather that in the case of Ireland the decrease of electors had taken place among a population almost stationary; whereas in England the decrease had occurred among a population rapidly increasing. He believed that an objection might be raised, and very properly raised, against his measure, that it did not go far enough. He remembered very well hearing the noble Lord say—

> "There is nothing in my opinion I ever held, or in any opinion I hold now, which would debar me from seeing with satisfaction any plan by which the admission of the working classes could be still further extended, and the basis widened upon which the representation rests."

He was aware that the objection to the smallness of his measure was a great objection; but he begged to say that the measure was good as far as it went; and he hoped the noble Lord would support it on the same ground that had induced him to bring it forward, namely, that half a loaf or a fragment of bread was better than no loaf at all. He thought he had a claim also on the support of the right hon. Gentleman the Member for Ripon, who observed, with great ability, on a former occasion—

> "I must say, considering the increase of the democratic element in our institutions, that I see the greatest danger in erecting an immense superstructure on a narrow electoral basis. If that superstructure cannot stand upon an extended electoral basis, I am sure that a narrow basis cannot long sustain it."

Now, he thought the right hon. Baronet would admit that the country had not decreased in its democratic tendencies; and the figures he had brought forward must have shown him that the electoral basis was considerably narrower. He thought, therefore, he might with very great fairness claim the right hon. Baronet's support. He owned, too, that, after all that had recently occurred, not only in that House, but out of it, particularly at an election which had lately taken place in not the least aristocratic part of England, he might fairly claim the support of the hon. Gentlemen who had, up to a recent period, supported protection; for he believed it would be found that those who had only very lately repudiated the principle of protection would find it exceedingly difficult to re-obtain their seats unless they appealed to constituencies with an extended suffrage. He might say that he knew something of the farmers of this country, and could testify that when they had once formed an opinion, it was very difficult to shake it. He knew that they had been so taught and tutored to cling to protection, that they would not be induced to give it up at a moment's notice for any one; and ,though hon. Gentlemen might attempt to persuade them that it was not a question of rent, they would continue to maintain that, if it was not a case of protection, it must be one of rent. He believed that, much as they were opposed to free trade, they would infinitely prefer an open and honest foe to one that dealt up to the eleventh hour treacherously with them. He rejoiced greatly at the admission which was made by the hon. Member for Buckinghamshire on behalf of his party. He rejoiced that it in some measure completed the triumph of the hon. Member for the West Riding (Mr. Cobden). The repeal of the corn laws was a cause in which he (Mr. King) took the liveliest interest, for he might here state that his father fought the battle of free trade single handed for many a year before either the hon. Member for the West Riding, or the hon. Member for Wolverhampton (Mr. Villiers), or even the people of England, had had their attention called to it. He hoped that the hon. Member for Buckinghamshire, with the enlarged views which he had recently adopted, would not attempt to coalesce with the electors who had been created under the 50*l.* Chandos clause to answer a political purpose. He trusted the hon. Member would go with them for an extended suffrage, and that they would no longer hear anything about what he believed he might say had now been partially renounced—he meant the re-establishment of the dangerous doctrines of protection, for he held protection to be very much akin to communism in its worst shape. Protection he regarded as the few taking from the many; and communism, in its general acceptance, as all taking from all. An attempt had recently been made to establish communist principles on a large scale on the Continent by that celebrated man Louis Blanc; and what had he done ? He attempted on behalf of his party to obtain a loan of money from the Government. The agriculturists had got their loan. M. Blanc had also attempted to obtain relief for his party—the very thing the hon. Member for Buckinghamshire was now attempting for his. He (Mr. King) hoped that a measure like the present, which might be shown to be one of sound policy and perfect justice, would not be refused by that House. He trusted that the day would not come when the people would find that it was only particular classes who could obtain a hearing in that House; when the law would cease to be a refuge for the oppressed, and become, instead, the arm of the oppressor; and when it should be said, with truth, that that House had at its disposal, instead of equal weights and balances, false weights and false keys. The hon. Gentleman concluded by moving for leave to bring in the Bill.

Lord J. RUSSELL: Sir, the hon. Gentleman who has made this Motion has done it certainly in the most temperate manner. He has laid it before the House with as little of undue exaggeration, either as to its merits or its nature, as any Member of this House could possibly desire. I must likewise say, as he stated at the commencement of his speech, that there can be no objection to his making the Motion at this period of the Session; and that that reason which he says, and says truly, was the only reason I urged last year against entertaining the Motion he then submitted, will not now apply, and that it is not a reason I will now assign. I will also make an admission with respect to the nature of the Motion itself. I think this Motion differs very much from several Motions which the House has considered of late years respecting the extension of the suffrage, inasmuch as I do not think any reasonable objection can be alleged against the class of persons whom he proposes to introduce into the county constituencies. I admit at once they are a class of persons who, if entrusted with the elective franchise, would probably use it with intelligence and integrity. I certainly do not pretend that there is such a superiority in the inhabitants of towns over those in the country as to enable me, or any one, to say that the inhabitants of a town, when invested with the franchise, are distinguished by their superior qualities over those not having the franchise residing in other parts of the country. But the question really is, whether this proposal will be an improvement of our representation; because I have always considered that this was really the important question which the House had to decide in any proposition of this kind. I never could think, with the hon. Gentleman the Member for Montrose, that the chief point to which we were called on to direct attention, was whether certain persons with certain qualifications should be intrusted with the franchise, or whether it was a hardship—the hon. Gentleman, using a harder term, calls it a species of tyranny—to exclude them from the franchise. The view which I have taken has been this: seeing the immense power which this House possesses, observing that this House is the representative of the country at large, and finding that succeeding periods have increased its means of controlling all the other branches of the Legislature—I have always considered that what was really important to discuss was not if any particular persons should be entitled to vote at elections, but what is the general result which would be advantageous to the country, so that this House should fully and fairly represent the intelligence and the genuine wishes of the nation. Now, Sir, if we consider this proposal with a view, first, to what has hitherto been the case with regard to the franchise in this country, it will be obvious that this proposal is in direct opposition to it. There has always been, to a late period, this distinction in principle between the representation of counties and the representation of boroughs—though it has certainly not been uniformly carried out in every instance—that the representation of counties was a representation of tenure, of persons who voted in consequence of their tenure, and that the representation of boroughs was a representation of persons who voted by virtue of their occupancies; the one class being usually denominated freeholders, and the other class being known as householders, by whom, in the absence of any particular charters or particular rules, it has been decided by very ancient authority the right of voting in towns and boroughs was possessed. In the course of the discussion on the Reform Bill, a proposal was made to effect a very great change with respect to the representation of counties, by admitting a class of voters who could not vote in virtue of tenure, who had neither a freehold tenure, nor a tenure for a term of years, but who merely held farms by occupation. And Lord Chandos, who made that proposal, succeeded in carrying it in the House of Commons by means of the votes of many of those who were undoubtedly reformers, and who, on that occasion, considered that the Government who introduced the Reform Bill had been in error in not proposing the franchise for that particular class of occupiers. Lord Althorp, at that time, pointed out very strongly the objections which existed to such a proposal. Those objections did not prevail, however, with the hon. Gentleman the Member for Montrose and others, who were convinced that it was desirable to add this class of voters to the constituency; and, after that decision of the House of which I have spoken, the Government who had undertaken the Reform Bill did introduce into the measure a clause in conformity with that opinion. But I own I myself never considered that that was an improvement in our representation. I have always been convinced that so far as it diminished the power of the forty shilling freeholders, it did, on the contrary, rather weaken and enfeeble than strengthen the independence of our representation. And I must say, not looking at this as a question of the ancient policy of the country, and of an ancient division of the country into counties and boroughs, but practically and in reference to present circumstances, that, in the course of the experience which I have had of the votes of electors in counties, I have found that when a candidate seeks the vote of a farmer who, perhaps, is paying considerable rent, he is often met with the answer, "I cannot enter into the matter with you, for I must consider the opinions of my landlord." On the other hand, at county elections, I have seen among the smallest and poorest freeholders a feeling of independence, a spirit of integrity, and a resolution to give their votes only in accordance with their own opinions, which is, I think, highly honourable to them, and which does show that they are in a position of far more independence than that other class to which I have referred. Now the hon. Gentleman's proposal is to admit into counties such a very large number of voters by occupation as would seriously diminish the just influence of that valuable class of freeholders to which I have just alluded. In glancing over the returns relating to the various counties of England, I find that the 50*l.* occupiers are at present in a minority, certainly, as compared to all other voters, the greater part of those other voters being forty shilling freeholders, and all of them being voters by tenure of some description. In Berkshire there are 971 voters with the 50*l.* occupation franchise, and 4,270 other voters. In Cheshire there are 4,022 50*l.* occupation voters, and 11,901 other voters. In Derbyshire there are 2,663 50*l.* occupation voters, and 10,208 voters who have other description of votes. In Devonshire there are 4,920 of the former, and 14,088 of the latter class. I need not quote any more of these particular instances; but I may state generally that in the whole of England there are about 100,000 persons who vote in virtue of their occupations of 50*l.*, and 375,034 of all other voters, the great mass consisting of the forty shilling freeholders. Now, if you admit in round numbers 350,000 persons who would have the right of voting as 10*l.* occupiers, it is very obvious that you would deluge these forty shilling freeholders, and destroy their importance in county elections. I hold, considering the value of these forty shilling freeholders, considering the antiquity of that tenure, considering that importance which they still preserve, and the importance that they should still possess the weight they have, that it would be a circumstance to be regretted if we took any course the result of which would be to diminish their power, or to affect their influence. But, Sir, beyond this, I own I think that our object should not be to introduce the uniformity which the hon. Gentleman recommends. His argument is very shortly, and little more, than this—You have 10*l.* householders who have the right of voting in boroughs, therefore have a 10*l.* franchise in the counties. I have rather considered, on all occasions when this subject has been brought before me, that it was a decided advantage that there should be various rights of voting, and that the class of persons entitled to vote in one place should not be the class of persons to whom is accorded the right of voting in a different place. I have come to the conclusion, therefore, that we should be effecting no improvement by the introduction of this uniformity in the franchise. The hon. Gentleman says—and the argument has struck me—and it arises, I think, from a want of proper observation, but many persons have said, and the hon. Gentleman among others—"You have given the right of voting to occupiers in Ireland to the value of 12*l.* a year, surely occupiers in England to the value of 10*l.* a year, are as worthy; and to them, at least, you ought to extend the franchise." But the hon. Gentleman does not remember that in Ireland we have destroyed that old class of voters to whom I have alluded as being so valuable in England, the forty shilling freeholders; and when I said last year, in supporting the Bill for the extension of the franchise in Ireland, that I thought it most desirable to place Ireland on a footing with England and Scotland in this respect, it was because I took into consideration the extinction of the forty shilling freeholders; and my object then was to bestow some franchise in Ireland which would be in the hands of persons well qualified to hold it, and not to revive the abuses which formerly attended the tenure of forty shilling freeholds in Ireland, and which would, at the same time, satisfy the people of Ireland that they were being treated with as much fairness as the people of England or Scotland. Now that consequence, I think, has been to a great degree attained; for judging from the various returns as to the number of persons now qualified to vote in Irish counties, I should conjecture that something like the same proportion of voters to the inhabitants in English counties is being introduced into the counties of Ireland. But if you say, because we have accomplished this, we must create a similar franchise in England, then you propose a new inequality, because then you would have in England the 40*s*. freeholders and other tenures and the 10*l*. occupier, whereas, in Ireland, you would have but the 12*l*. occupiers without the 40*s*. freeholders. That would be an inequality by far too great; and we should then have to propose the 40*s*. freehold franchise, or otherwise to add to the number of Irish county electors in order to restore the equality which we had hoped to establish by the Bill of last year. I cannot think, then, that this proposed measure is a measure the tendency of which would be to improve our representation. I would much rather continue the ancient distinction, and maintain this difference—that whilst householders shall have the right of voting in boroughs and cities, freeholders, and other holders by tenure alone, shall have the right of voting in counties. The hon. Gentleman has observed that I cannot say that this is a revolutionary project, or that it would accomplish any great and violent democratic change. Undoubtedly, I make no charge of that kind against the hon. Gentleman. I have stated that I do not consider his proposal would be an improvement on the existing state of things; but let it be understood that I am very far from saying that the large class of persons whom it would admit to the right of voting in elections for counties is a class of persons from whom our existing institutions have anything to fear. There is, however, another question to which the hon. Gentleman has alluded, and on which I think it right to say a few words before I conclude. I have stated that I do not think it advisable to adopt this proposition. Yet, on another occasion I have stated, that I thought that some extension of the franchise was desirable. At the same time, as the House will recollect, I said I did not at all agree that it was an evil to have county, large city, and small borough constituencies respectively returning Members to Parliament; but, on the contrary, that if we merely had a representation of numbers, then it was my opinion that this intelligent and wealthy country would not be so well represented as at the present moment. With these opinions I certainly could not be a party to that which some Members of this House seem to wish, namely, the entire abrogation of our ancient system of representation, and the sweeping away of the Reform Act, together with all the other Acts on which the present state of the representation is founded. But, at the same time, I do think it is desirable to introduce a measure for some further extension of the suffrage—and by which, in particular, we should afford to the working classes greater opportunities of obtaining votes than they at present possess. I answered to an hon. Gentleman (Sir Joshua Walmsley), who put the question to me the other night, whether the Government were about to introduce any measure for the extension of the suffrage in the course of the present Session, that the Government had not that intention. There are reasons, peculiar to the present time, and general reasons of policy, why, in my opinion, such a course would be inadvisable. There are peculiar reasons why it was absolutely necessary to commence this year with financial measures, in order that the attention of the House of Commons might be immediately taken up with matters of finance; and the introduction by the Government of any question respecting the alteration of the Reform Act, or of extending the suffrage would have created serious difficulties, and postponed these indispensable measures of finance to a very late period. There are, besides, various questions relating to the administration of justice in the Court of Chancery, and to the general administration in Ireland, which I had proposed to bring before the House, and which I think it is very desirable to proceed with as speedily as possible. But I consider that there are general reasons likewise, and which, I partly stated last year, why it is not advisable that the Government should proceed with a measure of reform of the franchise just in the present Session. It has always seemed to me that when great changes have been accomplished in this country, and while the minds of the people are still uncertain about the effects of those changes, it is most prudent and politic to avoid very frequent elections, and perpetual agitation on questions in which the interests of the country are deeply involved. I think it is far better, after a sufficient time has passed, and after discussions, such as those which have taken place in this House, that the country should have an opportunity of calmly and deliberately deciding on the value of changes of which the people have had adequate experience. I have likewise thought, with regard to late years, having ourselves not only many changes in legislation, but finding immense political alteration taking place in foreign countries, that anything which tended to stability, anything which showed that we were proceeding quietly and calmly with the maintenance of our institutions, was an advantage to this country, and was calculated to preserve us from many evils which a different course of action on our part would very probably entail. But, while believing all this, I can see no reason why, after this Session has passed, and at the commencement of the next Session, there should not be laid before this House by the Government a proposal in respect to this question of the extension of the suffrage. Certainly, if I am a Member of the Government at that time, I shall deem it my duty to lay my views on this subject before the House of Commons. I know perfectly well that those views would not altogether meet with the approbation of the hon. Member for Montrose and of other Gentlemen who agree with him. But I have so often stated the difference of opinion which exists between us, that it ought to create no surprise in his mind at finding that I have come to a practical conclusion essentially distinct from that proposal which he has laid from time to time before the House. I do, however, think it is desirable, considering that by next Session twenty years will have elapsed since the passing of the Reform Bill, that we should then consider whether there are not great numbers of our fellow-countrymen not possessed by that Act of the franchise, who are not only fully qualified to exercise the suffrage, but whose exercise of the suffrage would tend to the improvement of the character of this House. I am myself perfectly satisfied with the experience we have had of that Act. I believe that the representation since 1832 has been such as to give confidence to the people at large, which confidence they would not have had in a House of Commons in which were Members for Old Sarum and for Gatton, and in which were not Members for Manchester, and Leeds, and Birmingham. I am, therefore, perfectly satisfied that the influence of that Reform Bill, loudly as it was denied at the time that it could be so, has been salutary; and, therefore, that in any changes we may make, we ought to consult the spirit of that Reform Act—we ought to consult the temper and the genius of the people of these united kingdoms, and that we should not attempt to construct any fanciful edifice based upon any new theory of our own, but, building upon the old foundation, continually endeavour to improve the symmetry and add to the convenience of the ancient edifice.

Mr. HUME was glad that at last they had obtained a definite promise from the noble Lord, although it was not very pleasant to be told, after all, that if they would wait till next Session, they might then get something. The noble Lord did not seem to be aware that he had been tardy, or that he was to blame for having passed twenty years without an effort to remedy the over and over again acknowledged defects in the Reform Bill. The same reasons which existed now, for a movement in this direction, had existed during these twenty years; and what he (Mr. Hume) asked now, and would continue to ask, he had asked all along, that, having taken a wise step in passing the Reform Bill, they should carefully and calmly continue in the same course, and admit the whole of their fellow-countrymen within the pale of the constitution. The noble Lord had referred to affairs on the Continent; and he was sure the noble Lord would agree with him in this, that the Reform Act had tended to settle the peace of this country during those convulsions abroad, which otherwise would have been disturbed at home; and the question now arose, as the Reform Act had worked so well, whether it was not advisable to go a step further, and extend the suffrage to those who, it was admitted on all hands, were so well qualified to exercise it? The noble Lord had told them that many of the electors in counties were fettered and dependent. He asked, then, ought not the noble Lord to strengthen the hands of the really independent voters by throwing in the votes of the independent 10*l.* householders? He thought the noble Lord was blind to his own position—blind to the advantage of those who were his supporters in the House in not giving to the liberal Members for counties the protection of these independent votes against those who wished to bring back the system of protection and monopoly. The noble Lord had referred to him unfairly, in reference to the vote which he had given in favour of the Chandos clause of the Reform Bill. He certainly had supported that clause, and on the distinct ground that it was admitting to the franchise those who would not otherwise have obtained it; but, at the same time, he had called upon the noble Lord to give to this and to all other classes the proper protection to their votes which would have been conferred by the ballot. The noble Lord had been unwisely slow in regard to Parliamentary reform, and he perhaps now felt that he had jeopardised his own interests in the House and in the country by thus neglecting the defence which he would have found in popular support against the threatened retrogression to the system of protection and monopoly. The noble Lord and his party soon found that they would have to give way, and the result would be that still greater demands would be made upon them. The noble Lord had told them that he would bring forward a measure on that subject next year, but he had not told them what the nature of that measure would be; and on this subject he would only say that if the noble Lord would add two or three millions more to the constituency, the less danger there would be in case of any future convulsion.

Mr. COBDEN: Sir, I have heard with very great pleasure, and I am sure the country will receive with much satisfaction the declaration made this evening by the noble Lord at the head of the Government, that he proposes to bring in next Session a measure of Parliamentary Reform. I only hope that in the interval the country will give that attention to the subject which will enable it to secure a real and substantial measure of reform in our present most faulty system. I think—and I should not have said a word on this Motion if the noble Lord had not addressed himself to the larger question—that some of the scenes we have witnessed in one or two of our recent elections—such as the Falkirk district, St. Alban's, or take Wareham as the most recent example—are utterly disgraceful to us. I have witnessed scenes in some of these small places, where perhaps there are but two, three, or four hundred electors, exceeding anything that has occurred on the continent of Europe at general elections in which six millions of people have taken part. There has frequently been more drunkenness, violence, bloodshed, and even mortal combats, in the course of an election contest at one of these little boroughs, than could be found throughout an election in France, where some six millions of men have had to go to the poll. I trust the noble Lord will bear this in mind in his scheme, and that he will come to one conclusion, and one conclusion only, that the constituencies in which there are only two, or three, or four hundred voters, where there is open voting, and where, as the necessary consequence in such a constituency, there is bribery, intimidation, and corruption of every kind, involve evils which ought to be extirpated altogether from our electoral system. I hope that the noble Lord will direct himself to this great task with the recollection that the country has for a very long time been looking for some measure of reform. Everything has, up to this time, been refused; and I do believe that after the declaration of the noble Lord to-night, he will be greatly mistaking the sense of the country unless he, or some one else holding his responsible situation, be prepared to bring in a measure commensurate with the evils of the existing system, and properly calculated to meet the wants and convictions of the people. I will say one word upon the arguments offered by the noble Lord in reference to the Motion which is before us. The noble Lord has said, that the proposal of my hon. Friend would admit to the franchise a class of men altogether unobjectionable in point of circumstances, character, and integrity. It has been said, and said truly, that the man who rents a house of the value of 10*l.* in a rural district, is as good a man as he who lives in a similar house in a large town. Now, I think if we take property as the test of character, which we are probably a little too prone to do in this country, that the man who rents a 10*l.* house in a village or in a market town which is not an enfranchised borough, is, generally speaking, living in superior circumstances to the person renting a 10*l.* house in a great town. The noble Lord, therefore, cannot, and does not, offer any objection to the Motion of my hon. Friend the Member for East Surrey, on the score of the character or position of those proposed to be enfranchised. The noble Lord, however, objects to the innovation, by the 50*l.* tenant-at-will clause, upon the old system of the freeholds in counties; and, on the same ground, now objects to the creation of a 10*l.* constituency. But, taking the tenant-at-will clause as a fact, which he is not prepared to get rid of, the noble Lord does not show us what possible mischief could arise from extending the 10*l.* franchise to counties. It is not a question of innovation at all; but the question is, having the 50*l.* tenants at will in existence and affecting elections, will you give the people of the counties a fairer representation—for that is all we have in view—by awarding them a 10*l.* franchise to balance the 50*l.* franchise which is already established? The noble Lord remarks that he has found, in canvassing counties, that the 50*l.* tenant at will is not so independent a man as the forty-shilling freeholder. I am inclined to say that the noble Lord is undoubtedly right in that; but it by no means follows that the voter, voting in virtue of a 10*l.* house, may not also be more independent than the 50*l.* tenant at will. There is every reason, as I think the noble Lord will find, if he will follow up his argument, why the 50*l.* tenant at will cannot exercise the franchise so independently as the forty-shilling freeholder. The reason is obvious. The tenant who rents a farm of fifty acres or upwards, is a man who depends for his subsistence on the application of his capital to the land which he holds from a landlord, by whom that land may at any time be withdrawn from him. Land is limited; the farmer is accustomed to no pursuit but farming; it would be a serious thing to him were he removed from his farm; and, naturally, the landlord thus exercises an immense control over that class of tenants in all cases where their votes are of value. But if you go to the 10*l.* householder in a market town or village, you find a man who need not care for the threats of a landlord. He is a man in business, perhaps a grocer, a butcher, or a shoemaker, and if he gets notice to quit, he can leave his house without being ruined; for he can very soon get another house, and his business is independent of his landlord. It would, therefore, be quite compatible with the view of the noble Lord, with regard to maintaining the independence of counties, to extend the innovation on the ancient system adopted in the Reform Bill, by creating 50*l.* tenant-at-will voters, to the occupiers in rural districts of 10*l.* houses. What is the fact in the counties where the 40*s.* freeholders have the greatest influence? I will take such a county as the West Riding of Yorkshire, or South Lancashire, or Middlesex. The noble Lord has spoken of Berkshire, where the 50*l.* tenant-at-will voters form a large proportion of the constituency; but if you come to counties such as I have the honour to represent, you will find that that class forms a very small part of the constituency. Now, how do these constituencies act where there are the largest number of freeholders? I represent, probably, a larger number of freeholders, in the proportion of freeholders to tenants-at-will, than any other person in this House. The result is, that I am here supporting the Motion of my hon. Friend, and that I do so with the support of the West Riding. The same thing happens in the case of my hon. Friend the Member for South Lancashire, and the hon. Member for Middlesex, and others. The Members of this House who represent constituencies of which freeholders form a majority, are the men, armed with the sanction of their constituents, warranted by their approbation, who will be found voting for this Motion for the extension to counties of the 10*l.* qualification, knowing as they do that this would give a fairer representation to the counties. I do not see that you could so well in any other way bring into our representative system the class of men you ought to have as voters—these 10*l.* householders in country districts—as by the plan proposed by my hon. Friend. In the case of small towns the case is different, but in a place like Yorkshire, in many parts of which for miles around, there is only a series of mills and factories, interspersed with single houses and cottages, it is difficult to bring a population so scattered within the votes of neighbouring boroughs, while the vote might be easily given to each of them singly for the county. Reformation in many details is absolutely necessary. Take Barnsley, for example, the principa seat of the linen manufactures of Yorkshire. It has no representation, and yet it is a most important town; while Pontefract, with not half the population, enjoys two votes in this House. Then there are Rotherham, Dewsbury, and other towns of the West Riding of Yorkshire, which must be formed into grouped boroughs, or the 10*l.* franchise given them, on the plan of my hon. Friend. The noble Lord at the head of the Government stated the other night that the mass of the people of this country were determined to maintain the commercial policy already adopted by the Legislature—that they knew their rights and interests, and were determined to maintain the present system. The right hon. Gentleman the Member for Ripon, in his admirable speech, has stated the same thing; and it has had an echo throughout the country. But what is the fact as regards the representation of the country in this House? The noble Lord's words are just as applicable to the proposal now made by my hon. Friend the Member for East Surrey to gain for the people their right of representation, as to the freedom they had gained for their commerce. Passing over the fact that the Ministry were lately saved from a minority by only fourteen votes, I must ask the House what is the state of the county representation as presented to us lately? Take the representation of Herefordshire, Glamorganshire, Nottinghamshire, Montgomeryshire—take the elections now going on for North Staffordshire and for Bedfordshire. Here I have mentioned six counties or divisions of counties. No doubt the mass of the people in those counties are determined to maintain free trade, but then a free-trade candidate would not have a chance of succeeding in any of them. Why, you have only two classes, landlords and tenants, to send the county Members to Parliament; but the voters are only a small fraction of the population of those counties. I say that it is a great peril to your institutions, and a reproach to the country, if you allow such discrepancies to exist as this—that all the counties, although the inhabitants may form a free-trade majority, send up men to vote in Parliament for dear bread, against the free export of the products of industry, and for high living, and all that appertains to it, and then they are said to represent the county. I consider that my hon. Friend has done great service by bringing forward this Motion; for the country will be glad to hear that it has elicited from the noble Lord at the head of the Government the assurance that we shall have a very large, extensive, and complete modification and improvement of our representative system.

Mr. P. HOWARD expressed himself favourable to such an extension of the franchise as should include the greatly increased number of persons who were capable of using a vote, and had an intelligent acquaintance with the constitution and laws of their country.

The House divided:—Ayes 100; Noes 52: Majority 48.

List of the Ayes.

Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Anstey, T. C.
Bass, M. T.
Blake, M. J.
Blewitt, R. J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Calvert, F.
Carter, J. B.
Chaplin, W. J.
Clay, J.
Clifford, H. M.
Cobden, R.
Colebrooke, Sir T. E.
Collins, W.
Crawford, W. S.
D'Eyncourt, rt. hon. C. T.
Drummond, H.
Duncan, Visct.
Ellis, J.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Forster, M.
Fox, W. J.
Gibson, rt. hon. T. M.
Granger, T. C.
Hall, Sir B.
Hanmer, Sir J.
Harris, R.
Hastie, A.
Hastie, A.
Headlam, T. E.
Henry, A.
Hodges, T. L.
Howard, P. H.
Humphery, Ald.
Hutt, W.
Jackson, W.
Keating, R.
Kershaw, J.
Langston, J. H.
Lawless, hon. C.
Lennard, T. B.
Locke, J.
Loveden, P.
Lushington, C.
Mackie, J.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Meagher, T.
Mangles, R. D.
Moffatt, G.
Molesworth, Sir W.
Moore, G. H.
Muntz, G. F.
O'Connor, F.
O'Flaherty, A.
Osborne, R. B.
Pechell, Sir G. B.
Perfect, R.
Pilkington, J.
Pinney, W.
Power, Dr.
Rice, E. R.
Robartes, T. J. A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Shafto, R. D.
Sidney, Ald.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. B.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Tancred, H. W.
Tennison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Williams, W.
Wilson, M.
Wood, W. P.

TELLERS.
King, hon. J. P. L.
Hume, J.

List of the Noes.

Adderley, C. B.
Arbuthnott, hon. H.
Armstrong, Sir A.
Baring, rt. hn. Sir F. T.
Barrow, W. H.
Bellew, R. M.
Berkeley, Adm.
Blair, S.
Bremridge, R.
Brockman, E. D.
Buck, L. W.
Campbell, hon. W. F.
Cowper, hon. W. F.
Craig, Sir W. G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Elliot, hon. J. E.
Freestun, Col.
Frewen, C. H.
Grace, O. D. J.
Grey, rt. hon. Sir G.
Grey, R. W.
Hatchell, rt. hon. J.
Hawes, B.
Heald, J.
Henley, J. W.
Hobhouse, rt. hn. Sir J.
Hood, Sir A.
Hornby, J.

Knight, F. W.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Maule, rt. hon. F.
Napier, J.
Paget, Lord C.
Paget, Lord G.
Parker, J.
Power, N.
Romilly, Sir J.
Russell, Lord J.
Seymour, H. D.
Seymour, Lord
Somerville,rt.hon.SirW.
Stanley, E.
Stanton, W. H.
Turner, G. J.
Verner, Sir W.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.
Hayter, rt. hon. W. G.
Hill, Lord M.

Leave given.

Bill ordered to be brought in by Mr. Locke King, Mr. Hume, and Mr. Headlam.

CIVIL BILLS, &c. (IRELAND).

Mr. HATCHELL moved for leave to bring in a Bill to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain jurisdiction as to Insolvent Debtors.

Mr. TORRENS M'CULLAGH did not intend to make any objection to the introduction of this Bill. There might be modifications of the existing system of local courts in Ireland which it would be desirable for the House to have an opportunity of considering; and he had no doubt a careful consolidation of the numerous existing Acts would be a useful measure. But he wished to be certain that he correctly understood the purpose of the Bill. If he (Mr. M'Cullagh) was in error, his right hon. and learned Friend would set him right; but he understood him to say that the only transfer of jurisdiction proposed in the measure was that now exercised by the Commissioners of Insolvent Debtors, whose duties, for the sake, he presumed, of some pecuniary saving, it was intended should hereafter devolve upon the assistant barristers. Upon the propriety of that alteration he did not then mean to enter. But he would take that opportunity of reminding his right hon. and learned Friend that a growing feeling of jealousy prevailed among the profession in Ireland with respect to any transfer of jurisdiction from the superior courts, whether of law or equity. There was a very prevalent and by no means a groundless fear, that by degrees the chief tribunals of the country might be stripped of their proper functions in order to carry out a theory of change, which he, for one, could not but regard as most injurious to the best interests of the community at large, and wholly destructive of the dignity and independence of the legal profession. He was happy, however, to understand that, with the exception already adverted to, there was no intention in the present instance of taking from the superior courts any of those powers or duties which they were so competent in every respect usefully to discharge.

Leave given.

Bill ordered to be brought in by Mr. Attorney General for Ireland, and Sir W. Somerville.

PASSENGERS ACT AMENDMENT BILL.

House in Committee.

Mr. ADDERLEY said, he should have felt it his duty to have impeded the passage of the Bill through Committee, if he had not been informed that the right hon. Gentleman the Member for South Wiltshire had received a promise from Her Majesty's Ministers that a Select Committee should be appointed on the subject, to whom suggestions might be more properly referred. He (Mr. Adderley) would have endeavoured to introduce provisions for extending the protection of the Act to cabin passengers, feeling that persons of wealth and substance would be thereby induced to emigrate in greater numbers, and, in proportion, there would be a greater number of labourers expecting to obtain employment in our colonies; but, inasmuch as the passage of the Bill was of immediate importance, he would not impede it, simply understanding that such a Select Committee would be appointed, and that Her Majesty's Ministers would afford every facility to obtain information, and to carry through Parliament during the present Session some such measure as he now suggested.

Mr. THORNELY having seen a great deal of the emigration to the United States of America, had learned from his experience that the cabin passengers were perfectly well able to protect themselves, by bringing an action in case of a violation of contract.

Mr. C. ANSTEY considered that the cabin passengers in emigrant ships were chiefly men with large families, who found it convenient to go in that way for the sake of the superior comfort, and were not in circumstances to bring actions which might involve them in a great deal of trouble and expense. They as much required protection as the steerage passengers; and, with the exception of a very little change in diet, there was very little difference between the cabin passenger and his next neighbour, the intermediate passenger—a class unknown till lately, but a very profitable class to the merchants engaged in running emigrant ships.

Mr. **HAWES** said, he should not object to the appointment of a Select Committee to consider the alterations which had been suggested.

The House resumed.

Bill reported; as amended, to be considered To-morrow.

House adjourned at Nine o'clock.

HOUSE OF LORDS,

Friday, February 21, 1851.

Minutes.] Public Bills.—1ª Appointment of a Vice-Chancellor; Registration of Assurances.
2ª Administration of Criminal Justice Improvement.

Their Lordships met, and having gone through the business on the Paper,

House adjourned till Monday next.

HOUSE OF COMMONS,

Friday, February 21, 1851.

Minutes.] New Member Sworn.—For Falkirk Boroughs, James Baird, Esq.
Public Bills.—1ª Aberdeen Public Records.
3ª Mills and Factories (Ireland).

BARHAM UNION—WORKHOUSE DISTURBANCES.

Mr. **BANKES** begged to ask the President of the Poor Law Board whether he had received information of other disturbances in union houses in Suffolk besides those in the Barham union, occasioned by ablebodied labourers sent to union houses in consequence of want of employment?

Mr. **BAINES** had to state that he had received no information of disturbances in any other union house in Suffolk besides that at Barham. There was a disturbance, though of a much less serious character, in the workhouse of the Depwade union, in Norfolk, about the middle of January. With regard to the question whether these disturbances were occasioned by ablebodied labourers sent to the union houses in consequence of want of employment, he could only say that the accounts which he had received were conflicting. One account was that this was the sole cause. Another account stated that the really industrious and deserving labourers had borne their privations throughout with great patience, and in the most peaceable manner; and that but for the instigation of some persons of very different character, there would have been no riots at all. The whole of the circumstances would probably undergo a full investigation upon the approaching trials of the persons charged as rioters.

VAGRANCY.

Mr. **BANKES** again rose to ask the right hon. Baronet the Secretary of State for the Home Department whether his attention had been called to the increase of vagrancy in the metropolis, and whether it was the intention of the Government to propose any remedy for that evil? Recent coroners' inquests showed a great amount of distress in the metropolis; and it had been stated in a public journal that on one day this week 430 ablebodied persons had applied to the Leicester-square soup kitchen, of whom 200 only could receive relief.

Sir **G. GREY**, in answer to the hon. Member, begged to state that he had received no information from the police commissioners, or other authorities, leading him to think there was an increase of vagrancy. On the contrary, he found, from a report which he had called upon the police commissioners to furnish when the hon. Member gave notice of his question, that vagrancy had diminished, judging from the number of vagrants apprehended by the police in the months of November, December, and January, in each of the years 1848–9, 1849–50, 1850–51. In the first period the number of vagrants apprehended amounted to 2,372; in the second year to 1,309; and in the third, which was for November and December, 1850, and January, 1851, the number was only 1,022. From an account of the vagrants apprehended for the last ten years it would appear the amount of vagrancy in 1850 was less than in any of the preceding years. The best thing he could do would be to lay these returns on the table of the House. As to the increase of vagrancy in any particular district, if the hon. Member would communicate any observation of the kind he might make to him, the commissioners of police would be directed to turn their attention towards it.

THE PROPOSED HOUSE TAX—THE FRANCHISE.

Sir **B. HALL** wished to put a question to the noble Lord at the head of the Government, in reference to the house tax which had been proposed by the right hon. Gentleman the Chancellor of the Exchequer. The noble Lord was aware that by the ratepaying clauses of the Reform Act it was necessary that the assessed taxes and poor-rates should be paid by a 10*l.* householder previous to being put on the registry. The Chancellor of the Exchequer proposed to abolish entirely the window duties and to impose a house tax, and he (Sir B. Hall) wished to ask the Government whether it was their intention, in case the House should agree to the imposition of that tax, that the payment of that tax should be necessary as a qualification for voting?

LORD J. RUSSELL had only to say, in answer to the question of the hon. Baronet, that there was no intention to propose any new qualification by the new tax on houses. He presumed the application of the law would be the same as with respect to the assessed taxes.

SIR B. HALL would now beg to ask another question of the noble Lord. When the right hon. Baronet the late Sir Robert Peel imposed the income tax, he said he would not make the payment of that tax a necessary qualification for voting; and was he (Sir B. Hall) to understand that, if the house tax was to be imposed, it was to be one of those assessed taxes, the payment of which was necessary to entitle the voters in boroughs to be placed on the registry?

LORD J. RUSSELL: That question I cannot precisely answer. It must be left to the lawyers to determine whether or not it forms part of those assessed taxes.

Subject dropped.

ST. ANDREW'S CHURCH, MARYLEBONE.

SIR B. HALL: Sir, I now rise to ask the noble Lord at the head of the Government a question of very great importance as to the state of discipline in the Established Church. It is necessary for me before I put the question to state the circumstances of the case to the House, which I shall do in as few sentences as I possibly can. I will confine myself exclusively to the facts of the case, and shall refrain from making any comment upon them, or offering any observations to the House which may lead to discussion. ["Order, order!"] I think I am perfectly in order, and as I have given notice of my question nearly a fortnight, I think it is only fair I should be heard. The parish of Marylebone, containing a population of about 160,000 souls, has for many years been divided into districts for ecclesiastical purposes. One of those districts is called "All Souls," and is bounded on the east by Tottenham-court-road, and on the south by Oxford-street, and extends a large way northward and westward. It was considered advisable, three years ago, that this district should be again subdivided, and a new district created, called St. Andrew's, Wells-street, which is the subject of the question I am about to ask the noble Lord. It was determined that that district should be separate, and that there should be a new incumbent appointed to it. It contains about 5,000 inhabitants, and about 450 rated householders. A new church was built, the inhabitants of the district subscribed largely towards the erection of that church, which was consecrated on the 28th of January, 1847. The presentation is alternately between, I believe, the Bishop and the Crown, or the Rector of All Souls. The Rev. Mr. Fallow was appointed in the first instance, and during the time of his incumbency the inhabitants were satisfied with the manner in which that excellent man performed his duty; but three months after his appointment he died, and the presentation being in the hands of the Bishop of London, he appointed the Rev. Mr. Murray to the district, who is now the incumbent. I hold in my hand a memorial which has been presented to the Bishop of London, signed by rather more than one-third of the inhabitant householders of the district to which I have referred, and I gave notice to the noble Lord at the head of the Government, and to the House, and I have also communicated my intention to the bishop of the diocese, that I would call the attention of the House to the subject of this memorial and to the conduct of the Bishop of London in reference to the matter contained in this memorial. They say—

> "That, unhappily, immediately on the appointment of Mr. Murray, he began to make alterations in the church and services; and, although remonstrated with from time to time, and after promising, as he has done, not to make further innovations or changes, either in the church or the services, he has persisted in doing so, until at length he has brought the building—that is, the chancel—and the services to what is boastfully stated to be models of Puseyite worship. That, among other the innovations and alterations made by Mr. Murray are the following:—The communion-table, or as it is now termed, the altar, has been on two several occasions raised, so that it is now approached by steps; it is covered

> with a richly ornamented cloth; candlesticks, with candles in them (but not lighted, except at the evening service), are placed on it, and on saints' days and high festivals it is decorated with wreaths of flowers. The communion plate is placed on a credence table, and not placed on the altar until the reading of the offertory. The altar railing has been removed, and the whole of the chancel is now treated as a spot peculiarly sacred, and, as such, not to be intruded on by the laity, except at the time of communion. In addition to these alterations and innovations, the introduction of public processions, midnight service on Christmas-eve, and the refusal, on the part of Mr. Murray, to obey the direction of your Lordship in the form of prayer on the Day of General Thanksgiving, have all been much objected to and lamented by your memorialists. That the tables of the commandments, which had been temporarily put up, had been removed from over the altar, and have never been replaced, although it was promised that this should be done. That an expensive choir has been established; that the whole of the service, including the litany, is intoned; by the minister kneeling with his face to the altar, and thus with his back to the congregation; that the sermon is preached in a surplice; that neither a collect or the Lord's Prayer are used before the sermon, the only invocation being, 'In the name of the Father, Son, and Holy Ghost;' that the Sacrament service is intoned and sung; and that the boy choristers remain during the administration of the sacrament; that the mode in which the sacrament is so administered has prevented several from partaking of it. That the church is now filled, not with parishioners (of whom but few attend), but by strangers; and that the seats have been specially appropriated to those persons in the body of and throughout the church."

This document is signed by 160 out of 450 inhabitant householders in the district; and it is a curious fact that, although it is signed by every inhabitant householder in Berners-street, who was called upon, with the exception of one, that one was a Roman Catholic. This memorial was transmitted to the Bishop of London on the 21st of December, 1850; and the gentlemen who sent it accompanied it with a letter to his Lordship, stating that if his Lordship would appoint a time they would attend upon him, and give any further information upon the memorial that might be required. The information that they desired to give to the Bishop of London was, that the incumbent of this district attended the Roman Catholic worship at the Roman Catholic chapel, King William-street, Strand. This statement was made to me, and I considered it so grave and serious a charge to make against any gentleman professing to be a minister in the Church of England, that I declined making that statement unless the person so making it to me would put it in writing, and authenticate it with his signature. The gentleman consequently sent me the following letter, a copy of which I have communicated to my noble Friend at the head of the Government, and which was written by a gentleman whose respectability I will answer for, though I am not at liberty to disclose his name:—

> "Mr. —— begs to inform Sir Benjamin Hall that, in a conversation he had with Mr. Murray, he declared distinctly that he had only been three times to the Catholic chapel, in King William-street, Strand."

The letter I have received from the Bishop of London, in reply to the memorial, is to this effect:—

> "Fulham, Jan. 1.
>
> "Sir—I am sorry to have so long delayed my answer to the memorial addressed to me by you and others, parishioners of St. Andrew's, Wells-street. I am quite aware of the grounds of complaint stated in that memorial, and I have long ago remonstrated with the Rev. James Murray on the matters to which they relate, but without success. The memorialists may be assured that I will pay due attention to the subject, and that I will do all in my power to make their parish church answer the purposes for which it was built.—I am, Sir, your obedient servant,
>
> "E. S. Bailey, Esq." "C. J. London.

That letter was written on the 1st of January, 1851. The memorialists, finding that everything went on in precisely the same way, and that the congregation were fast leaving the church, addressed another letter to the bishop of the diocese, complaining that his Lordship had not taken any steps for the purpose of remedying those grievances. The Bishop of London answered that letter in this way:—

> "London House, Feb. 6.
>
> "Sir—I am not surprised to find that some degree of impatience is felt by those members of the congregation of St. Andrew's, Wells-street, who are dissatisfied with the present mode of celebrating Divine service in that church. But as the measures which I propose to adopt will be general, and not with reference to that church only, and as several questions of difficulty are involved in them, some time must of necessity elapse before they can be carried into effect.—I remain, Sir, your faithful servant,
>
> "John Howard, Esq." "C. J. London.

In consequence of this letter I was requested to take the step that I have done this evening; and I am anxious, in bringing forward this subject, to avoid as much as possible giving offence to any one. The Archbishop of Canterbury has also written on the same subject to this effect:—

> "Ten years have elapsed since I thought it necessary to warn the clergy of another diocese against the danger of adopting principles which, when carried out, tend naturally to those Romish

> errors against which our forefathers protested, and which were renounced by the Anglican Church—the result has proved the judgment was not harsh, or the warning premature; on the contrary, certain of our clergy, professing to follow up those principles, have proceeded onward from one Romish tenet and one Romish practice to another, till in some congregations all that is distinctive in Protestant doctrine or Protestant worship has disappeared."

Now, the question I have to put to the noble Lord is this—These memorialists have complained for more than three years. The Archbishop of Canterbury says that he has protested against these practices for more than ten years. I don't wish to give an opinion whether or not these practices are in accordance with the simple purity of our Church; but I wish to know this:—Are the archbishops and bishops of our Church about to take any steps for the purpose of suppressing those practices against which they say they have preached for ten years; or are they to leave it to the laity to take such steps as they may think proper for the purpose of compelling the episcopal heads of the Church to perform that duty which, according to their own showing, they have so long neglected?

LORD J. RUSSELL: Mr. Speaker, I will answer, as well as I am able, the statement of my hon. Friend the Member for Marylebone. I have been in communication with the Bishop of London, with respect to the subject to which he has referred, and also with the Archbishop of Canterbury, in respect to the modes of worship to which the Archbishop referred in that extract which has been read to the House by the hon. Baronet. With respect to the Bishop of London, I have been informed that his attention had been called for some time to the mode of worship in Wells-street chapel, which he thought was not in conformity with the customary forms of worship in the Church of England; that the inhabitants of that district had complained to him; and that he had been anxious to attend to their complaint. His Lordship also informed me that where a clergyman is willing to attend to the admonition of his bishop, such practices as the bishop objects to may be amended, and such grievances as affect the inhabitants may be duly redressed; but that where a clergyman altogether refuses to attend to the admonition of his bishop, there is then very considerable difficulty, delay, and expense in enforcing that which appears to the bishop to be the right performance of public worship on the clergyman so resisting. I happen to know perfectly well that the Bishop of London has taken the best legal advice he could obtain, and that his attention has been for some time turned to this matter; and he has informed me that he will do everything in his power in order to obtain the removal of those practices which he thinks are not consonant to the mode of worship prescribed by the Church of England. The Archbishop of Canterbury has informed me that he has had his attention called to the extract which has been read to the House by the hon. Baronet on this subject, and that he believes the memorialists are very desirous to put an end to those practices mentioned in that extract; but he states there is some uncertainty and very considerable expense in enforcing the law. The terms of the Rubric are such, that it is not always very easy, on complaints being made of departures from it on the part of clergymen, to discover when there appears to the Archbishop to be reasonable grounds for interfering. The Archbishop stated to me, that he did not think, in the present state of affairs, that any interposition of the Legislature was necessary, but that if he should find the uncertainty of the law was such that in the general opinion of the archbishops and bishops of the Church of England the performance of their Protestant worship could not be maintained without some alteration of the law, that then an application would be made to the Crown on this subject. I hope my hon. Friend and the House will understand me that I am not now alluding to any alteration in the Rubric or the Liturgy, but to the mode and means of carrying the existing law into effect; but from the statement made by the Archbishop of Canterbury on this important subject, I think it is most desirable that the matter should remain in his hands, with such counsel as he is able to obtain; and I have not thought it at all right or becoming me to ask him to do more than to turn his earliest attention to the subject, assured that he is perfectly well capable, as far as the law will allow him, of carrying into effect his wishes for the performance of Divine worship according to the Protestant services of the Church. I will not, therefore, say anything more on this subject. I may state, however, that in one or two cases where clergymen had resisted the admonitions of the bishop, very considerable expense has been incurred in endeavours to compel their obedience. In one such case no less than 3,000*l.* had been expended; and therefore at present the mode of obtaining redress is an exceedingly expensive one; but as the matter at present stands, there is no other mode of redress.

MR. A. B. HOPE: Mr. Speaker, I can assure the House, particularly on an evening like this, when an important financial measure is about to be brought under its consideration, that I will not detain them a single minute more than is absolutely necessary, whilst I offer a few observations on this subject. I am as sorry as any one can possibly be that such a discussion as this has been brought before Parliament. It seems to me as if we had suddenly gone two centuries back—to the time of the Long Parliament—and that if we go on in this way, we shall ere long become a Barebones Parliament. I say, if individual clergymen are to be dragged before this House in this manner, and if the noble Lord at the head of the Government is to condescend to step from his high position to humble accusations of this nature, touching the conduct of a private gentleman, this House will assume a character which will go far to lower its dignity, and to lessen the respect with which its proceedings are regarded by the country. I only rise, Sir, to vindicate the character of a private gentleman with whom I am personally acquainted, and whose case, I regret to say, has not been fully or fairly brought before the House, in that memorial which my hon. Friend the Member for Marylebone has read to the House. In the first place, he has eulogised the character of the late incumbent, Mr. Fallow, as a man who, whilst living, possessed the confidence of the parishioners. Now, the truth is, that most of those arrangements on which so much blame is attempted to be thrown, as the exclusion of laity from the chancel, were the work of Mr. Fallow, and not of Mr. Murray, the present incumbent. With respect to the charge of Mr. Murray having attended a Roman Catholic chapel in King William-street, Strand, that charge was made by a gentleman who, when Mr. Murray made his acquaintance in his pastoral visitation, told the reverend gentleman that he never gave charity to anything whatever. In answer to that charge, I have to state to the House that Mr. Murray did twice attend a Roman Catholic chapel, but that was only to hear a controversial lecture delivered by a Roman Catholic clergyman; and I may add, that among the persons present at that lecture were the Rev. Mr. Binney, and one for whom the noble Lord must have great respect, Dr. Cumming. I may also state, that Mr. Murray has only been five times within a Roman Catholic place of worship in England in the course of his life, and on none of those occasions was worship being performed. The tenor also of the charges brought against Mr. Murray, in the memorial and in the speech of the noble Lord, is, that he had been disobedient to the directions of his bishop. Now, in the course of last year, the Bishop of London wrote to Mr. Murray, suggesting certain alterations in the mode of worship in his church. Mr. Murray wrote a long and elaborate answer to the letter of the bishop, stating reasons why he could not comply with certain of the alterations suggested by his lordship. The Bishop of London wrote to this effect, in reply to that letter of Mr. Murray:—

> "Sir—I have been too much occupied since I received your last letter to pay proper attention to it, but there are some points in it on which I consider you to be in the wrong; but I will write you so soon as I have a little leisure.—I am, my dear sir, your faithful servant,
>
> "C. J. LONDON."

Now, that letter was dated on the 16th of February, 1850, and from that time until this present 21st of February, 1851, Mr. Murray has been waiting in vain for that answer to his letter, stating on what points he was wrong.

MR. REYNOLDS rose for the purpose of entering his protest against certain phrases used by the hon. Baronet the Member for Marylebone, who introduced this subject to the House. In speaking of matters of belief in the Roman Catholic Church, he spoke of "Romish practices," and "Romish errors." Now, since he (Mr. Reynolds) had the honour of a seat in that House, he had made it his particular study never to record a vote upon any Motion involving the practices or discipline of the Protestant Church. When his hon. Friend the Member for Cockermouth submitted his Motion to the House, he (Mr. Reynolds) thought it right, as a Roman Catholic, not to interfere in such matters. He did not vote himself on that Motion, and he advised many of his Roman Catholic Friends in the House to do the same. He protested against the introduction of this subject into the House at all. He wanted to know from the hon. Baronet the Member for Marylebone, if he wished to convert the House of Commons into a polemical debating club? Was he not satisfied, as a Protestant, to leave Protestant doctrine and discipline to be watched and protected by 2 archbishops, 24 bishops, and 15,000 ecclesiastics, with the guarantee of the Crown for maintaining the integrity of the three? He protested against the introduction of such a subject into that House, and against the Church phrases, which the hon. Baronet used at least a dozen times, when speaking of the Protestant bishops and Church, "our bishops," and "our Church." Had the hon. Baronet forgotten that in that House there were Roman Catholics as well as high Protestants, and Presbyterians as well as Independents? And was he right in using the plural number? The hon. Baronet might so speak of the Protestant Church outside, but he ought not to do so within the walls of that House. That was not his (Mr. Reynolds') Church. Again, was it fair, or reasonable, or just, to drag the Protestant Bishop of London or a clergyman before that House, and to prevent them from doing what the humblest man in the country had a right to do, to worship God according to the dictates of his own conscience? He hoped that by meddling in such matters they would not verify the prediction of the hon. Member for Maidstone, and become a Barebones Parliament, and that they would not become a byword and a scorn to the whole country.

Mr. HUME would remind the House that the hon. Baronet the Member for Marylebone had made a complaint on the part of the laity of the parish, and he (Mr. Hume) feared that was not the only one among the many remonstrances on such a subject that the House would have to discuss. They paid annually a very heavy rate to maintain their churches, and those of them who belonged to the Anglican Church expected to have the services performed agreeably to the doctrines of that Church. He felt himself compelled to allude to a recent case in Marylebone, where a clergyman, the Rev. Mr. Baring, had refused to attend a parishioner's wife who was at the point of death. The rev. gentleman said he could not go out of his parish, and it was an hour and a half before a clergyman could be got to attend the dying woman. Was that the conduct of a Christian divine? Something must be done to alter that state of things, and place the Church in a proper state of discipline.

Sir R. H. INGLIS willingly acknowledged the delicacy with which the hon. Baronet the Member for Marylebone had treated a subject confessedly of so delicate a nature as that under discussion; but the whole tone of that discussion only confirmed his (Sir R. Inglis's) previous impression, that that House was not the proper tribunal before which to review the discipline of the Church, the conduct of individual clergymen in that Church, or the proceedings of vestry meetings. He denied the competency of the whole Legislature to decide such subjects as those; at all events, he was satisfied that the House would best consult its secular duty—and he said it with all respect—if they did not press forward a discussion on such a matter. He could not but regret that the time and attention of the House had that evening been diverted from the financial state of the country, which properly came within their consideration.

Mr. PLOWDEN had no desire to protract the present discussion, but he rose for the purpose of correcting the statement made by the hon. Member for Montrose, who had stated, he must think inadvertently, that the Rev. Mr. Baring had answered, when applied to by a sick person desirous of spiritual consolation, that "he would not go to her." Now, he (Mr. Plowden) was present at the Marylebone vestry on Saturday last, when this subject was discussed; and he was sure the hon. Member for Montrose would, upon reflection, remember that when the Rev. Mr. Baring explained the matter at the vestry, he stated in the reply to the application from the sick lady, that he deeply sympathised with her situation, and if he had it in his power he would at once attend her in his spiritual capacity; but the state of the law and the ecclesiastical district arrangement of parishes precluded the possibility of his visiting the sick out of his own immediate parish, and that therefore he was, he regretted, unable to comply with her request; and fearing that some misapprehension might exist as to the Rev. Mr. Baring's motives, from the statements just made by the hon. Gentleman the Member for Montrose, he (Mr. Plowden) thought it only fair and due to the character of the Rev. Mr. Baring to make the statements he had addressed to the House.

Subject dropped.

THE HUNGARIAN REFUGEES.

LORD D. STUART said, he was sorry to be the means of postponing for a few moments that financial question which was the legitimate subject of discussion that evening. The House would see that he had been compelled to take that course by the neglect of duty of other persons, and not of himself. [" Order, order!"] He believed he was perfectly in order, if he put a question to the noble Lord the Secretary of State for Foreign Affairs. It might be in the recollection of the House, and certainly in that of the noble Lord, that early in February last Session he had made a Motion for the production of papers relating to the treatment of the Hungarian refugees, which had led to a debate characterised by considerable warmth. The noble Lord met that question in these terms :—

> " I trust my noble Friend and the House will think I am not asking too much of their forbearance if I entreat them not to press the Motion in the words in which my noble Friend has put it, but to allow me to select out of that great mass of papers such documents as may explain to the House the course which Her Majesty's Government has pursued, without giving details which would be inconvenient to the public service, or laying before the House those confidential communications that may have passed between Her Majesty's Government and Her Ministers abroad, or between them and the Ministers of other countries."

After making predictions respecting the Danubian provisions which time had falsified, the noble Lord asked him (Lord D. Stuart) not to press the Motion in the form in which he had put it, but to leave him (Viscount Palmerston) to select such of the papers, which were very voluminous, as bore on the treatment of the Hungarian refugees. He (Lord D. Stuart) accepted that offer, and did not press his Motion further. During the last Session he went to the noble Lord privately several times, and asked him to produce the papers in question; and just before the close of the Session he went again, and asked the noble Lord if he meant to produce them. The noble Lord said " yes," and he (Lord D. Stuart) entreated him to produce them at once, as he wished to have them printed. The noble Lord replied, " Don't be under any uneasiness on that account; the Foreign Office prints for itself." On the last day of the Session he applied to the noble Lord to lay the papers on the table of the House, but in vain; he went again to the noble Lord a week before the beginning of the present Session, and asked him for the papers, when the noble Lord replied, " They are in that box before you, and will be printed as soon as the House meets." He went to the noble Lord on a subsequent occasion, and said he thought it was too bad. The noble Lord said it was too bad. He (Lord D. Stuart) asked him for the papers again and again, and told him that he could not help feeling angry with him. What was his answer? The noble Lord said, " If he was in his (Lord D. Stuart's) place, he would feel angry too." On Tuesday week he again saw the noble Lord, and asked him when those papers would be produced? The noble Lord answered, " Next week." Now he (Lord D. Stuart) thought, under these circumstances, he had a right to ask the noble Lord whether he considered it respectful, he would not say becoming, treatment of a sincere and ardent but humble supporter, who had relied upon his promise last Session to produce the papers, never to have let them be forthcoming up to the present time? Perhaps something had occurred to make the noble Lord think he ought not to fulfil his promise in the course of his past political life. They knew such things had occurred, and that the noble Lord had given promises which he had not fulfilled, because, as he said, circumstances had taken place which made it his duty not to do so. If that was not the case, would he state the reasons for this extraordinary delay, and would he state to the House at what period they might expect to have the papers?

VISCOUNT PALMERSTON: I am quite ready to admit that my noble Friend has a claim upon me for the performance of the promise which I made him on the debate of last year; and I also am quite ready to acknowledge publicly that which I acknowledged to him in private, that on the appearance of the thing he has a right to be angry with me. I must take this opportunity of thanking my noble Friend for his forbearance. If he knew how great has been the pressure of the various matters upon me which have prevented me hitherto from fulfilling that engagement, he would be induced, perhaps, to continue that forbearance which he has already manifested on this occasion. I trust, however, the papers will be in the hands of Members on an early day of next week. The papers from which selections are to be made are very voluminous; but I trust I shall be able to produce such of the papers as my noble Friend wants.

WAYS AND MEANS.

On the Order of the Day being read for the House going into a Committee of Ways and Means,

LORD J. RUSSELL said, he begged to move that the Order of the Day on that question be postponed till Monday. On Monday he would state the reasons to the House why he had made that request.

MR. HERRIES: Can the noble Lord say whether it be intended positively to proceed with the Committee of Ways and Means on Monday next?

LORD J. RUSSELL: I cannot state positively what is intended, but on Monday I will state the reasons why I now propose a postponement, and the course I then intend to pursue.

Committee deferred till Monday next.

The House adjourned at Six o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 24, 1851.

MINUTES.] PUBLIC BILLS.—1ª Prevention of Offences.

2ª Appointment of a Vice-Chancellor.

THE MINISTERIAL CRISIS—EXPLANATION.

The MARQUESS of LANSDOWNE, having delivered the report of the Metropolitan Commission of Sewers, said: My Lords, as there is no business before the House, I may as well at once take this opportunity of moving, that this House at its rising do adjourn to Friday next. In making that Motion, I feel that however imperfect and insufficient any communication which it is in my power to make, may be found to be, relating to the present posture of affairs, it is due to this House that any information given, or communication made upon that subject to the other House of Parliament, should in substance be made to this House also. But in doing so I shall confine myself simply to a statement of the facts as I understand them. My Lords, on Friday last, in consequence of divisions which had recently taken place in the other House of Parliament, Her Majesty's servants communicated with each other—from domestic circumstances I was not one of the persons communicated with on that occasion—and on that day Her Majesty was led to believe that it was probable that Her servants would resign on the day following. Early on Saturday morning I came to town, and that resignation was respectfully and unanimously tendered by Her Majesty's servants to Her Majesty. In the course of the same day the noble Lord whom I see present (Lord Stanley), was, as I am informed, invited to attend at the Palace, and a proposal was made to him to construct a Government. I am informed that the noble Lord stated that he was not then prepared to form one. On that communication being made, recourse was had to other persons, and more particularly to my noble Friend lately at the head of the Government, and he was requested to reconstruct an Administration. My Lords, this is the present state of things, and all that it is in my power to state to your Lordships is, that my noble Friend lately at the head of the Government has, on reflection, thought it to be his duty towards Her Majesty, and towards the public, to attempt the reconstruction of another Cabinet. Beyond this I have nothing to say. I speak as the organ of a Government which, in fact, exists no longer; a Government which is, in fact, nominal only; and of which I am the representative here only so long as it remains nominally in office, and for the purpose of making this communication.

LORD STANLEY: My Lords, after the statement made by the noble Marquess, none of your Lordships, I am sure, will be disposed to offer any opposition to the proposal which he has made, that the House should adjourn from this time till a later day, or at least that in the meantime no public business of importance shall be discussed. My Lords, I am exceedingly unwilling, and shall not attempt, to offer any comment on the statement made by the noble Marquess: circumstanced as the country now is, it is impossible that a complete revelation should be made of what has occurred; and in the present state of things, I do not hold it to be consistent with my duty to offer any explanation or information which must of necessity be of an imperfect character. I will now only say, that on Saturday I had the honour of a lengthened audience with Her Majesty, in which I laid before Her Majesty fully and unreservedly the whole of my views on the state in which the country and political parties are now placed. Nothing could exceed the graciousness, the condescension, and kindness (if I may use the word) of manner of Her Majesty throughout. But of what passed at that interview, either what advice I humbly tendered to

Her Majesty, or what was stated by Her Majesty, at the present moment, I think I should ill requite the confidence and favour with which I have been honoured, if I were to say a single word. When the time shall come—when this political crisis shall have passed—I shall be prepared to state fully and unreservedly to your Lordships and to the country the whole substance of the advice which I tendered, and the course which, as a public man, as one honoured with the confidence of Her Majesty, and as a Privy Councillor, I felt it my duty to recommend.

The MARQUESS of **LANSDOWNE**: After the forbearance which the noble Lord has exercised, it would unquestionably be improper to deprive him of the opportunity of fully and fairly stating what has passed, when the convenient time for doing so shall arrive, in the way which he shall judge most fitting for his honour and most conducive to the public good. In the meantime all I beg of your Lordships is, to believe that I have, in the very short statement I made, said nothing but that of which I was distinctly informed.

The EARL of **ST. GERMANS** proposed that the House should meet to-morrow, for the purpose of proceeding with the second reading of the Marriages Bill. It was a measure in which a large number of persons out of doors felt a lively interest, and as it embraced no political object, he thought there could be no objection to go on with it to-morrow.

LORD **CAMPBELL** strongly concurred with the noble Earl in asking their Lordships to let the measure to which he referred be discussed to-morrow. It was a measure totally unconnected with party or political questions; it was purely a social and religious question; and his humble opinion was that there was no impropriety, notwithstanding the present posture of affairs, in the House taking the debate on the second reading of the Bill to-morrow.

The ARCHBISHOP of **CANTERBURY** said, if there was no Parliamentary objection to the request, he would add his humble wish that the measure should be proceeded with to-morrow.

The MARQUESS of **LANSDOWNE** said, their Lordships well knew it was not usual for the House to continue their sittings under the peculiar circumstances that at present existed. He could not, however, deny that there was great force in what was stated by the noble Earl, and confirmed by his noble and learned Friend, and the most reverend Prelate, as to the expediency of having a discussion of this measure to-morrow. He would accede to the proposal of the noble Earl, on the understanding that no other subject of discussion should be introduced, so far qualifying the proposition as to leave them afterwards at liberty to arrange when they should sit again.

APPOINTMENT OF A VICE-CHANCELLOR BILL.

LORD **LANGDALE**: My Lords, I move your Lordships to give a second reading to the Bill for the appointment of a Vice-Chancellor in the room of Sir James Wigram.

It seems useless, and would therefore, be improper for me to occupy any time in proving a fact now universally admitted, that the assistance of an additional Judge in the Court of Chancery is necessary. It is acknowledged, not only by the unfortunate suitors whose causes (ready for hearing) cannot now be heard, but by all who know anything upon the subject—by Judges, Counsel, and Solicitors. I think that, without exception, I have never known so great an unanimity upon such a subject.

It seems also unnecessary to state at length the causes which have led to the great arrear of business which now exists. Whatever the causes may have been, there is an arrear which plainly obstructs justice; and I submit to your Lordships, it is the duty of Parliament to provide a remedy. Some indication of the cause may, however, be of use.

One cause, undoubtedly, is to be found in the interruption to business which was occasioned by the illnesses of the Lord Chancellor, and of two of the Vice-Chancellors during so long a period of the last year—and in the absence of any usual and regular means possessed by the Court of Chancery, of providing judicial assistance during such occasional interruptions.

But a still greater cause of the existing arrears is, in my opinion, to be found in the nature, weight, and complication of the new business which has lately been thrown upon the Court—partly by the Acts of Parliament which are called the Winding-up Acts, and partly by the great litigation which has arisen from the transactions of railway companies and other joint-stock companies; and the great uncertainty of the law applicable to such companies and their transactions. The Legislature has constituted, or sanctioned the companies, and has connected the transactions of many of them with the performance of important public duties; but has not, or, if ever, has rarely, pointed out the extent to which, or the manner in which, the jurisdiction of the Courts of Law and Equity is to be applied to the cases which arise.

The Court of Chancery having jurisdiction to apply the law relating to partnerships, constituted for purposes unconnected with the discharge of public duties, and consisting of a limited number of partners, is continually applied to for its interposition and assistance in cases supposed to be similar, with reference to the transactions of partnerships consisting of an indefinite number of persons, and frequently constituted for public purposes, or connected with duties of public obligation; and the difficulties which arise are such that in very many cases, the Judge before whom they first come, can neither know what the Legislature (which has not spoken) intended to leave to his decision or judgment —or what may even probably be the view which may be taken of the subject by any other Judge before whom the same or like cases may be brought.

In such cases it can hardly be said with truth, that there is any law at all—any rule of right or wrong. And until the numerous and perplexing questions which are constantly arising shall be settled by authority, or some legislative remedy shall be provided, I am afraid that cases of this kind will occasion arrears which the remedy I now propose cannot prevent.

I have mentioned the subject, in the hope that the attention of your Lordships may be directed to it on some future and not remote occasion.

But for the present, assuming that your Lordships will not doubt the necessity of giving to the Lord Chancellor the assistance of an additional Judge, in the room of Sir James Wigram, whose loss is so deeply regretted by the profession and the public—and being myself of opinion that every day's delay is a grievous and unnecessary, and therefore, indefensible obstruction to the course of justice in the Court of Chancery—I gave notice of my intention to move for the suspension of the Standing Orders, in the hope of passing the Bill quicker than it could otherwise proceed. I regret to find that this proposition is not acceded to, and that further delay cannot be avoided; but as such is the case, I must content myself with moving, "That this Bill be now read a Second Time."

Bill read 2^a.

Then the Order of the Day for taking into consideration the Standing Orders Nos. 37 and 38 was read, and discharged; Committee negatived; and Bill to be read 3^a on Friday next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 24, 1851.

MINUTES.] NEW MEMBER SWORN.—For Stafford County (Northern Division), Smith Child, Esq.

NEW WRIT.—For Harwich, *v.* the Rt. Hon. Sir John Cam Hobhouse, Bart., Chiltern Hundreds.

PUBLIC BILLS. — 1^a Ecclesiastical Residences (Ireland); Churches and Chapels (Ireland); United Church of England and Ireland.

THE MINISTERIAL CRISIS — EXPLANATION—WAYS AND MEANS.

Order of the Day for the Committee of Way and Means read.

LORD J. RUSSELL: Mr. Speaker, I promised the House that I would, on this day, state the reasons that induced me to propose, on Friday last, the adjournment of the Committee of Ways and Means to the present time. I now rise to acquit myself of that engagement. The House will remember that, immediately after the commencement of the Session, a Motion was made by the hon. Gentleman the Member for Buckinghamshire, calling on Her Majesty's Ministers to take immediate measures to relieve the distress of the owners and occupiers of land. Every Member of this House, and every person in the country, must have considered that that Motion was a Motion to take out of the hands of the Government the conduct of the measures which the Government might think it fit to propose. The hon. Member for Buckinghamshire took a perfectly Parliamentary course on that subject. He stated that, having appealed to the Government on former occasions, he now appealed to the House. I do not in the slightest degree complain of the course the hon. Gentleman took; but I stated what must have been the effect in the view of every one if the Motion had been successful. Sir, 269 Members of this House voted for that Motion, and 283 Members voted against it. There was, therefore, a majority of those persons present in the House of 14 Members against it. Now, Sir, upon a question of that kind, brought forward in hostility to the Government at the very commencement of the Session, the Chancellor of the Exchequer having given notice that he would bring forward his financial statement for the year in two days after, a majority of 14 must tend to weaken any Government which had so small a majority in the House of Commons; but it appeared to me that, although that majority was small, yet, if there was a determination in all the Members of that majority to maintain the principles of commercial policy, which, in effect, were in question on that day, that this union might have made up for the smallness of the majority, and that the Government might have conducted successfully the affairs of the country. But, on the 20th of February, a Motion was made in reference to a certain question of Parliamentary reform; and on that question, and in a thin House of little more than 150 Members, the Government was beaten by a majority of nearly two to one. Now, observe, if that had occurred in ordinary circumstances, I might have thought it owing to the hour and to the thinness of the House that those in favour of the Motion should have attended, and that those who were not in favour of it were not present; but that, on the second reading of the Bill, which the House then gave leave to introduce, the latter would attend and make a majority in accordance with the view taken by Government on this subject expressed through me as its organ; but, in the actual circumstances in which we were placed, I did consider that, although hon. Members might have voted entirely with reference to that particular question which was before them, and not at all upon any general views of policy, I did not think that, although that might have been their intention, yet that, in effect, having the whole of the financial and other measures of the Government before us, and having a probability, which I was inclined to believe in, that, on other measures, and on other incidental questions, we might meet with similar defeats, I came to the conclusion that the Government was not in a position to conduct satisfactorily the business of the country in this House during the forthcoming Session. I thought it was for the public interest that, if this were the case, the House should not enter into discussions on financial measures, and be led to form opinions on those questions when it was not so probable that the Government should be able successfully to go through the Session. I thought, likewise, that it was a very dangerous, and that it was a very disadvantageous, thing for the country, that a Government should continue liable to defeats from time to time, having but a small majority at any time, and therefore carrying on a kind of lingering existence during a great part of the Session. I therefore assembled the Members of the Cabinet, and I stated to them it was my opinion the best course we could take, as a Ministry, was, to forward our resignations to Her Majesty, and enable Her Majesty to form another Administration. My Colleagues who were present in the Cabinet concurred with me in that opinion; but one very important Member of the Cabinet (the Marquess of Lansdowne), the Lord President of the Council, was at that time absent in the country, and I did not like to forward our resignations to Her Majesty on that day, and I therefore asked the House, on Friday, to consent to an adjournment to this day. Early on the following morning, the Marquess of Lansdowne reached town, and met me at Buckingham Palace. He informed me he entirely concurred in the view I took. I therefore proceeded at once to Her Majesty, to lay before Her Majesty the unanimous resignations of the Members of the Administration. Her Majesty was graciously pleased to accept those resignations, and was pleased also to inform me it was Her intention to send immediately to Lord Stanley for the purpose of intrusting him with the charge of forming a Government. I was informed later in the afternoon that I was required to proceed to Buckingham Palace, and I was then informed by Her Majesty that Lord Stanley had stated that he was not then prepared to form a Government. Her Majesty then asked me to undertake the charge of reconstructing a Government which might be able to obtain the confidence of the House. I thought it my duty, under those circumstances, to attempt that task. I have, therefore, assured Her Majesty that I would undertake it. I am perfectly aware of the many difficulties which surround that task, but I shall only add to those difficulties and be acting most improperly if I were to state anything further at present. I have only further to request that the House, without passing now to any discussion, or forming any judgment with respect to what has taken place, will adjourn to Friday next, when I trust some definite resolution may have been come to, and when I shall either have succeeded in or have abandoned the task I have undertaken, and in either case the House will know what is likely to be the result. Sir, I move that this Order of the Day be adjourned to Friday next.

MR. DISRAELI: Sir, it is not my intention to trespass on the House, but after the statement made by the noble Lord, I must address it for a minute. It is most true, and a matter of public notoriety, that Lord Stanley has had an audience of Her Majesty; and when Lord Stanley shall have Her Majesty's gracious permission to state what transpired during that audience, he will do so publicly and in a constitutional manner, in his place in Parliament. There is, however, one observation made in the statement of the noble Lord which my duty will not permit me to allow to pass unnoticed. When the noble Lord states that Lord Stanley stated to Her Majesty that he was not prepared to form an Administration—

LORD J. RUSSELL: Not then prepared.

MR. DISRAELI: "Was not then prepared"—that correction of the noble Lord does not at all affect what I wish to state to the House. I must express my conviction that when the noble Lord says that Lord Stanley stated to Her Majesty that he was not then prepared to form an Administration, the noble Lord has made a statement to the House which, on further reflection, I think he will acknowledge was not founded on what really occurred.

LORD J. RUSSELL: After what the hon. Gentleman has stated, I can only say that Lord Stanley will, no doubt, at a proper time, when he shall think fit—having received the permission of Her Majesty—make a full statement of all that has occurred. And, I believe, that Lord Stanley's statement will fully bear me out in what I have said respecting the noble Lord.

MR. ROEBUCK: Sir, I am anxious to make an observation on the extraordinary state of affairs in which we are now involved. We are about to adjourn until Friday. The noble Lord, it appears, is about to reconstruct his Cabinet. But the noble Lord may fail in the task he has undertaken; and then, without the House of Commons having the slightest opportunity of expressing any feeling of its own, Her Majesty, I believe, in all probability, will be obliged—if I may use the phrase—to send for somebody to make an Administration. I do hope that the noble Lord who has hitherto acted as the leader—not simply of a great party, but as leading and representing a great principle—will not forget in all those proceedings that are about to take place that that principle is now in his hands; and that, in a great measure, what will hereafter take place in respect to the great principle of our financial arrangements here, will depend upon his particular course of action, and on him will rest this responsibility—that we, perhaps, have again to resume the great fight of free trade.

The Committee deferred till Friday.

House adjourned at a quarter after Five o'clock till Friday.

HOUSE OF LORDS,

Tuesday, February 25, 1851.

MARRIAGES BILL.

Order of the Day for the Second Reading read.

The EARL of ST. GERMANS: My Lords, not long before the close of the last Session of Parliament a Bill was brought up to this House from the other House of Parliament to alter and amend the Act passed in the 5th & 6th year of the reign of William IV., which relates to marriages within certain degrees of affinity.

Of that Bill I reluctantly took charge; I say reluctantly, not because I entertained any doubt of the policy or propriety of the measure, but because I felt conscious of my own incompetence to deal with the legal and theological questions necessarily involved in the discussion of it. It was at the request of many persons deeply interested in the success of the measure that I took charge of the Bill. It was in deference to the opinion of several of your Lordships, who thought that so important a question ought not to be discussed at so late a period of the Session, that I withdrew it. In withdrawing it I apprised the House that the subject would be brought under their consideration early in the next, that is to say, in the present Session of Parliament.

I was then in hopes that my noble Friend, Lord Ellesmere, would have been here to make the Motion which I am about to make, and to address your Lordships in support of it with all the eloquence and all the ability which characterise his speeches. Disappointed in this expectation, I have thought it right not to shrink from the performance of the task; and I have now to solicit your Lordships' indulgence while I state as clearly and concisely as I can the arguments by which I hope to satisfy you that you ought not to reject this Motion. Those arguments will doubtless be familiar to most of your Lordships. Many learned and able men have written and spoken on this subject; I, therefore, cannot hope to say anything new on this occasion, or to do more than lay before you in an imperfect form the result of the researches and of the inquiries of others.

I shall endeavour to show that the marriages which it is sought to legalise are not forbidden by the word of God; that they are not contrary to the law of nature (and by the law of nature, I mean those rules of conduct which God has enabled man to discover by the light of reason with which he has endowed him); and that they are not inconsistent with the interests of society. I might in the first place argue that the marriage law of the Jews is not binding on those who live under the Christian dispensation. That is a view sustained by authority of no mean weight. Bishop Jeremy Taylor says (*Works*, vol. xiii.)—

> "But the next inquiry concerning an instance in the judicial law is yet of greater concernment; for all those degrees in which Moses' law hath forbidden marriages are supposed by very many now a days that they are still to be observed with the same distance and sacredness, affirming, because it was a law of God with the appendage of severe penalties to the transgressors, it does still oblige us Christians. This question was strangely tossed up and down upon the occasion of Henry the Eighth's divorce from Queen Catherine, the relict of his brother Prince Arthur; and, according as the interest of Princes uses to do, it very much employed and divided the pens of learned men who, upon that occasion, gave too great testimony with how great weaknesses men that have a bias do determine questions, and with how great force a King that is rich and powerful can make his own determinations. For though Christendom was then much divided, yet before, there was almost a general consent upon this proposition, that the Levitical degrees do not by any law of God bind Christians to their observations. I know of but one Schoolman that dissents."

I find that eminent Judge, Chief Justice Vaughan, holding this language on this question (*Harrison* v. *Burwell*, Vaughan, 228):—

> "The Levitical prohibitions are no general law, but particular to the Israelites. As they were delivered to the Jews only by Moses, they bind other nations no more than other laws of the Jews do, as the laws of succession, and inheriting land or goods.
>
> "They then must be made obligative, if at all, to the generality of Christians by the New Testament; but by what medium can that be proved?
>
> "Were it not for the Statutes it would be hard to make out by persons, of what learning soever, that we are obliged by the Levitical degrees; for we are not bound by the Judaical law; and how comes this part to be distinguished from the rest? I mean those of the Levitical degrees which are of the Judaical positive law only."—[2 Ventris, 16.]

A much-respected clergyman of the Church of England has recently expressed an opinion to the same effect. The Rev. James Endell Tyler, in the evidence which he gave before the Marriage Commission, says (*App.* 110)—

> "Now, I humbly conceive that the law of marriage, at all events as to the subject-matter of the present inquiry, is part and parcel of the political or municipal branch of the inspired law of the Mosaic dispensation; consequently, I infer that whatever be the interpretation finally affixed to those passages considered to bear on this subject, the passages leave the Legislature of this country at perfect liberty to make such enactments on the question put to me as shall seem best to consult the religious, moral, and social interests of the community at large."

I own, my Lords, that I incline to this opinion; but I am willing to assume that the Jewish law of marriage is binding on Christians. Let us see what that law was.

Some learned men have held that the phrase, "uncovering her nakedness," signifies illicit intercourse, and not marriage. Mr. Fry, in a learned treatise, called *The Case of Marriages between near Kindred particularly considered*—a treatise which the pious John Wesley thought conclusive on this point, says—

> "I have examined the Holy Scriptures with all the care and impartiality I am capable of with relation to this point, and I think I may venture safely to affirm that the phrase, 'uncovered her nakedness,' is never once used in Scripture for marriage, nor yet for the lawful use of the marriage-bed, but a phrase quite contrary to it is there used in that sense, namely, spreading a skirt or garment over a woman and covering her nakedness." * * * * *
>
> "On the whole, it is plain that, for a man to spread his skirt over a woman, and to cover her nakedness, in the Scripture phrase, signifies the same as to marry her, as has been observed by many learned commentators (Dr. Hammond, Mr. Poole, Bishop Patrick, Mr. Pyle, and others).
>
> "And to uncover her nakedness is the reverse of it, and is put for something that is a cause for breaking or dissolving of marriage; and, when it is used for carnal knowledge, always (if I mistake not) adultery or fornication is to be understood by it."

I shall not, however, insist on this view of the case, but will assume that marriage is intended by the phrase in question.

I proceed, then, to the consideration of the 18th and 20th chapters of Leviticus, which contain the whole marriage code delivered by Moses to the Jews, excepting the injunction in Deuteronomy, chap. xxv. ver. 5—10, directing the brother of a man dying childless to marry his widow.

The 18th chapter opens by a declaration of the will of God, that the Israelites shall not do after the doings of the Egyptians, or after the doings of the Canaanites.

It proceeds (ver. 6) to prohibit the uncovering of nakedness in certain cases. First, in that of near kindred. The full meaning of the original is said not to be conveyed by these words. Mr. Fry says, that the Hebrew words signify one that is flesh of the same flesh; and he quotes Bishop Kidder and Bishop Patrick, who think that they should be rendered "remainder of his flesh." Dr. Pusey's translation of them is "flesh of his flesh." The old English Bibles, viz. Tindal's, Matthews's, and the Great Bible, give "nearest kindred;" in short, all Hebrew scholars admit that very near kindred only is here spoken of.

In the 21st chapter of Leviticus and the 2nd verse, we find the term, "his kin that is near unto him," thus defined, "his mother, and his father, and his son, and his daughter, and his sister, a virgin that is nigh unto him."

Other cases, in which marriage is unlawful, are then specified.

In the 18th and 20th chapters of Leviticus, 16 degrees of relationship are enumerated within which marriage may not be contracted—8 of consanguinity, 8 of affinity. In the table of prohibited degrees, which has now force of law, 30 degrees are enumerated. Whence this discrepancy? My Lords, Archbishop Parker, who framed this table, and the Convocation of 1603, by which it was adopted, chose to consider that, by parity of reasoning, marriage is forbidden where there is parity of degree. They, therefore, held that, because a man may not marry his brother's widow, he is not at liberty to marry his wife's sister. It is to be observed, first, that, in Deuteronomy, chap. xxv. ver. 5—10, the brother of a man dying childless, is specially enjoined to marry the widow, "to build up his brother's house;" and that, if the doctrine of parity of reasoning be admitted, the husband of a woman dying childless is bound to marry her sister.

It is further to be remembered, that parity of degree is here assumed to exist. A man stands in the same relation, it is said, to his deceased wife's sister as that in which he stands to the widow of his deceased brother. Is this so? Does a man by marriage contract a sort of consanguinity with his wife? Divorce was permitted in the case of adultery, even by the Divine Founder of our religion. Surely the divorce which enabled a man to marry another woman, dissolved the relationship between them; will it be contended that relationship subsisted between the man and his first wife's relations after it had ceased to exist between him and her? And if divorce dissolved the connexion, surely death dissolved it equally.

A case is put by Mr. Brown Westhead, in an able pamphlet on this question:—

> "A. and B. are brothers, C. and D. are sisters. A. desires to marry C., and B. to marry D.; but if A. marry C., and if affinity and consanguinity are equivalent, then C. having become the wife of A., she has become also the sister of B. It is plain, therefore, that B. may not marry D.; for she is the sister of his brother A., and necessarily B.'s sister."

He offers another illustration of the unsoundness of this doctrine in the following example of its necessary consequence:—

> "John, a widower, is the father of William; Anne, a widow, is the mother of Jane. John marries Anne. If consanguinity and affinity are identical, William and Jane have become brother and sister; for John and Anne having become one flesh, Anne has become the mother of William, and John has become the father of Jane. But there is no clause in the 18th chapter of Leviticus, nor in the table of prohibited degrees, which forbids the marriage of William with Jane."

Hence, it follows that, if consanguinity and affinity are held to be the same, the table of prohibited degreees must be extended.

I have said that 16 degrees of relationship are specified in the 18th chapter of Leviticus, within which marriage may not be contracted. The same degrees are again specified without variation in the 20th chapter, which awards a particular punishment to the transgressors of each command; in some cases condemning the transgressors to death; in others, declaring that they shall bear their iniquity; while, in that of the man who takes his brother's wife, it is only said, that "they shall be childless."

I may here observe, that the learned Michaelis, in his *Commentaries on the Laws of Moses*, says, that this is not to be understood literally, but as a command that the transgressors of this ordinance shall be deprived of the honours of paternity, and that the children born of this marriage shall not be accounted his, but his brother's. Is it reasonable to suppose that Moses would have left the chosen people to infer by a process of logical deduction what marriages were, and what were not lawful? Milman, in his *History of the Jews*, tells us, that the prohibited degrees were specified with "singular minuteness." Marriage in one degree is prohibited in three distinct cases: with the sister of the full blood; with the sister by the same father; with the sister by the same mother. In another degree it is prohibited in four cases: with the son's daughter; with the daughter's daughter; with the wife's son's daughter; with the wife's daughter's daughter. Marriage is also forbidden first with the father's sister, and then with the mother's sister. Why specify all these cases? If the doctrine of parity of reason be admitted, the specifying of each of these cases would have been wholly unnecessary. Again, is it not to be presumed, that if these particular degrees were mentioned only as indicating a class, there would have been some difference between those mentioned in the eighteenth and those mentioned in the twentieth chapters of Leviticus?

Michaelis has stated many reasons founded on the manners and customs of oriental nations, and especially on those of the Jews, why there should have been a wide difference made between the case of one degree of relationship and that of another apparently corresponding to it. But as these reasons, however probable, can only be looked on as conjectural, I will not detail them.

The marriage law which we are considering is a prohibitory law, and prohibitory laws must be construed without any latitude of interpretation. What is not forbidden is permitted.

But, my Lords, this is not all. We have the 18th verse to guide us in this matter: "Thou shalt not take a wife to her sister, to vex her, to uncover her nakedness, besides the other, in her lifetime." Can words be plainer?

The accuracy of the translation is denied by very few. Every known version of the Scripture, the Vulgate, the Syriac, the Chaldee, I am assured, agree in thus rendering this verse. Michaelis, Bishop Kidder, Calmet, Dr. M'Caul, Mr. Goodhart, Dr. Eadie, Professor Lee, and many other Hebrew scholars, have borne testimony to the correctness of this translation. The verse then clearly prohibited the Jews from marrying the sister of a wife only during the wife's life, and left them free to contract such a marriage after the wife's death, when the reason for the prohibition had ceased to be in force. Chief Justice Vaughan says, on this point—

> "A man is prohibited by the 28th Henry VIII. and by the received interpretation of the Levitical degrees, absolutely to marry his wife's sister; but within the meaning of Leviticus, and the constant practice of the commonwealth of the Jews, a man was prohibited not to marry his wife's sister only during her lifetime; after he might. This is a knot not perhaps easily untied, how the Levitical degrees are God's law in this kingdom, but not as they were in the commonwealth of Israel where first given."

The Jews themselves never considered marriage with a deceased's wife's sister unlawful. For this we have the authority of Michaelis, who says (p. 119)—

> "Marriage with a deceased wife's sister, he (Moses) permits, but prohibits on the other hand the marrying of two sisters at once. The words of the law, Leviticus xviii. 18, are very clear, 'Thou shalt not take a wife to her sister, to vex her, to uncover her nakedness, besides the other, in her lifetime.' After so distinct a definition of his meaning, and the three limitations added: 1. As to the one being the other's rival (to express which, we may observe by the way that the same word is used, as in 1 Sam. i. 6, where two wives had but one husband; 2. As to the man's uncovering the nakedness of both; and, 3. As to the doing so in the lifetime of the first: I cannot comprehend how it should ever have been imagined that Moses also prohibited marriage with a deceased wife's sister—that very connexion which we so often find a dying wife entreating her husband to form, because she can entertain the best hopes of her children's welfare from it. What Moses prohibited was merely simultaneous polygamy with two sisters; that sort of marriage in which Jacob lived when he married Rachel as well as Leah."

Again he says (p. 122)—

> "The strongest and most decisive argument against the consequential system is drawn from the case of marriage with the deceased wife's sister. The relationship here is as near as that of a brother's widow, and yet Moses prohibits the marriage of a brother's widow, and permits that of a deceased wife's sister, or rather (which makes the proof still stronger) he presupposes it in his law as permitted, and consequently wished to be understood as forbidding only those marriages which he expressly specifies, and not others of the like proximity though unnoticed."

We have also the authority of Calmet, and of all the Jewish writers. The present Chief Rabbi of the Jews in England says, in a letter to the Marriage Commissioners—

> "It is not only not considered as prohibited, but it is distinctly understood to be permitted; and on this point neither the divine law nor the Rabbis, nor historical Judaism, leave room for the least doubt."

It has been contended that "a wife to her sister," ought to be translated, "one woman to another;" but, as I have already observed, the best Hebrew scholars unite in admitting the fidelity of our version of this passage, and in rejecting such a translation of it. Moreover, it will be seen that the effect of a prohibition to take one woman or wife to another in her lifetime, would be to render polygamy unlawful; and we know that polygamy was practised by the Jews without reproof for many generations after the promulgation of the Mosaic law. On the whole, then, it appears clear, that marriage with the sister of a deceased wife was not forbidden by the law of Moses.

Was it forbidden by the Divine Founder of our religion? Assuredly not. Our Saviour never spoke of it as a sin. He forbade the Jews to put away their wives except for cause of fornication; thus rerestricting the liberty that had previously been accorded to them in this respect. He was questioned as to the marriage of a woman with seven brothers in succession. In speaking on the subject he did not condemn marriage with a wife's sister, any more than he did when speaking on that of divorce. The apostles are equally silent on this subject. Among all their warnings and prohibitions, we nowhere find one respecting these marriages.

But we are are told that these marriages were prohibited by the early Christian Church. Let us see on what foundation this assertion rests.

Marriage with a wife's sister was forbidden by the Roman law, and those Christians who were Roman citizens were doubtless bound by that law in this as well as in other respects; but there is no evidence to show that for several centuries after the Christian era marriages with a deceased wife's sister was held by the Church to be unlawful. In *Riddle's Christian Antiquities,* I find the following passages:—

> "In early ecclesiastical writers, we find more frequent reference made to the Roman laws and institutions respecting marriage than to those of the Mosaic dispensation; nor was it till the sixth or seventh century that the latter appear to have received any especial attention form the Christian Church. After the lapse of several centuries from the institution of Christianity, the Mosaic prohibitions and other regulations were adopted with certain modifications in the Church."—[P. 109.]

In a debate which took place in this House some years ago, a right rev. Prelate (the Bishop of London) referred your Lordships to the *Apostolic Canons.* The authenticity of those canons has been disputed by many learned men: that they are the canons of the apostles is asserted by none. Bishop Beveridge believed them to be of the end of the second, or the beginning of the third century. A later date is usually assigned to them, but taking for granted that they are of the age supposed by Bishop Beveridge, what then? The 13th Canon declares—

> "That he who after being baptised, is involved in two marriages, or has kept a concubine, cannot be a bishop or clergyman."

The 14th—

> "That he who marries a widow, or one that is divorced, or a harlot, or a servant, or an actress, cannot be a bishop or a clergyman."

The 15th—

> "That he who marries two sisters, or his niece, cannot be a bishop or a clergyman.

The 19th—

> "That those who enter bachelors into the clergy, readers and singers, only do marry afterwards if they so please."

Your Lordships will observe that these canons apply exclusively to the clergy, and that with regard to the clergy they forbid second marriages, and marriages with a widow as distinctly as they forbid marriages with a deceased wife's sister. It is well known that at this time celibacy was regarded by the Church as a purer and holier state than matrimony, and that marriage was therefore hindered and obstructed by all sorts of restrictions and impediments. Riddle, in his *Christian Antiquities,* says (citing Bingham), "That persons who had contracted a second marriage were incapable of ordination." Second marriages were declared by Athenagoras to be no better than "decorous adultery;" and third marriages were stigmatised by St. Basil as "no marriage at all," "moderated fornication."

Presbyters who married were degraded from their orders, and persons marrying for the second time were obliged to undergo penance. The Council of Eliberis was also referred to by the right rev. Prelate. The Council of Eliberis, or rather Iliberis (for I find in *Mariana's Chronicles of Spain,* that this council was held in the year 305 at Iliberis, on the site of which Granada now stands, and not at Eliberis, or Elvira, near the Pyrenees), was composed of nineteen Spanish bishops, and was a mere provincial council. I hold in my hand a paper containing an extract from these canons; but I will not read it to your Lordships, as I should appear to be seeking to throw ridicule on the subject. It is sufficient to say that they are characteristic of the age in which this council was held. The canon which relates to marriage with a deceased wife's sister only says, that the person who contracts it, shall abstain for five years from communion. And I would ask why this canon is to be looked on as more binding than the other canons of the same council? It cannot fairly be argued that some are binding and some are not.

We come next to the Councils of Neocesaræa, of Ancyra, and of Laodicea, the canons of which were sanctioned and confirmed by the Œcumenical Council of Chalcedon in 451. By all those councils marriage, especially by the clergy, was discountenanced. The degrees of relationship within which marriage was forbidden were extended by Pope Alexander II. to the seventh degree; and it was not till the pontificate of Innocent III. that marriages within the seventh and beyond the fourth degree were permitted. Spiritual affinity was also invented, that is, a relationship between the godfather and the godmother of the same child, and between each and the relations of the other.

Marriages within the fourth degree are still unlawful in the Roman Catholic Church, and require dispensation. It is, however, to be remarked, that the Roman Catholic Church has never asserted a right to dispense with any law of God; whence it follows that the Roman Catholic Church by granting dispensations in the case of marriage with a deceased wife's sister or niece, declares that they are forbidden only by the law of the Church, and not by the law of God.

Let me now call your Lordships' attention to what Chief Justice Vaughan says of the canon law, to which some persons seem inclined to pay so much deference. I quote from his judgment in the case of Harrison *v.* Burwell:—

> "With the canon law, at what time would you begin? for it varies as the laws civil of any nation do in successive ages. Before the Council of Lateran it was another law than since, for marriages before were forbid to the seventh degree, from cousins-german inclusively; since to the fourth.
>
> "Every Council varied somewhat in the canon law, and every Pope from the former, and often from himself, as every new Act of Parliament varies the law of England more or less; and that which always changeth can be no measure of rectitude, unless confined to what was the law in a certain time, and then no reason will make that a better measure than what was the law in a certain other time: as the law of England is not a righter law of England in our king's reign than another, yet much differing."

So much for the canon law before the Reformation. Let us now look at our own.

Archbishop Parker in 1560 framed a table of degrees of relationship within which marriage was said to be unlawful. Thirty degrees were herein prohibited, fourteen of which are not prohibited in Leviticus. It was by virtue of the principle of parity of reasoning that these fourteen degrees were held to come within the scope of the Mosaic law.

It is worthy of remark, that Archbishop Parker, in a note written in his own hand on the margin of a copy of the admonition with which he accompanies his Table, gives the names of five eminent divines, Lyranus, Fagius, Pellicanus, Vatablus, and Brentius (three of whom were Protestants, and two Catholics), who "permit marriage with the sister of a deceased wife." I quote from Strype's *Life of Parker.* The Convocation of 1603 adopted this Table. The 99th Canon runs thus:—

> "No person shall marry within the degrees prohibited by the laws of God, and expressed in a Table set forth by authority in the year of our Lord God 1563; and all marriages so made and contracted shall be judged incestuous and unlawful, and consequently shall be dissolved, as void from the beginning, and the parties so married shall by course of law be separated."

It will be seen that this canon prohibits the clergy only by implication from celebrating marriages within these degrees, and that it commands the laity to abstain from contracting such marriages.

The Convocation had no power to enforce obedience to this command.

Lord Hardwicke's judgment in the case of Middleton *v.* Croft, has made it certain that no canon, unsanctioned by an Act of Parliament, is binding on the laity. I do not believe that these canons are binding on the clergy; many are altogether disregarded by them. Hear, my Lords, what a Prelate, now living, says of these canons. Bishop Short, in his *History of the Church of England* (vol. ii., p. 40), tells us, that—

> "Many of them have been superseded by subsequent Acts of Parliament; and the hand of time, together with the change of customs, has rendered

them so generally neglected as a code, that it is much to be wished that they were remodelled and sanctioned by a legal enactment."

A dignitary of the Church held much the same language in the last century. I find in the works of Archdeacon Sharp this passage:—

> "Now as to the canons in particular, I believe that no one will say that we (of the clergy) are bound to pay obedience to them all, according to the letter of them. For the alterations of custom, change of habit, and other circumstances of time and place, and the manners of the country, have made some of them impracticable: I mean prudentially so, if not literally."—[Vol. iii. p. 11.]

If a prelate and a dignitary of the Church take this view of the canons, I may, without offence, say, that no argument against this Bill can be founded upon them.

The 99th Canon says, that this Table set forth by authority (I know not by what authority), expresses the degrees prohibited by the laws of God. Where, and how prohibited by the laws of God?

The 21st Article of the Church of England expressly declares that—

> "When they (General Councils) be gathered together (forasmuch as they be an assembly of men whereof all be not governed with the spirit and word of God) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to salvation, have neither strength nor authority, unless it may be declared that they be taken out of Holy Scripture."

Can it be declared that these prohibitions are taken out of Holy Scripture? May not the Convocation of 1603 have erred, as General Councils have erred? I now come to the statute law. Your Lordships will remember that Henry VIII. married, under the authority of a dispensation by the Pope (Julius II.) the widow of his elder brother Arthur; that he had three children by her; and that it was not till after a union of more than 20 years that, becoming enamoured of Anne Boleyn, he wished to procure a divorce from Queen Katherine. Failing to induce the Pope to dissolve the marriage, Henry endeavoured to procure from the universities of Europe a declaration that the marriage was in their opinion null and void. In this endeavour he partially succeeded. Intimidating some and corrupting others, he obtained from many the wished-for declaration.

He then caused an obsequious Parliamen to pass an Act, the 25th Henry VIII., c. 22, dissolving his marriage with Queen Katharine, bastardising the issue of that marriage, and settling the succession to the Crown on the issue of his marriage with Anne Boleyn. In this Act, marriages within certain specified degrees of relationship are prohibited, and amongst those degrees is that of the wife's sister. Two years afterwards, Henry having put Anne Boleyn to death, and married Jane Seymour, caused his Parliament to pass the Act known as the 28th Henry VIII., c. 7, declaring the issue of both the former marriages to be illegitimate, and settling the succession to the Crown on the issue of his marriage with Jane Seymour.

In this Act the prohibitions as to marriage were repeated almost in the same words. The next statute relating to marriage is the 32nd Henry VIII., c. 38. This statute declares that—

> "All persons be lawful (that is, may lawfully marry) that be not prohibited by God's law to marry; and that no reservation or prohibition, God's law except, shall trouble or impeach any marriage without the Levitical degrees."

The Act of the 1st Mary, sess. 2, c. 1, declared the Queen's Highness to have been born in a most just and lawful matrimony; that the marriage of Henry VIII. with Queen Katherine in very deed was not prohibited by God's law, but to be taken for a most just, lawful, and perfect marriage, that could not, nor ought, by any man's power, authority, or jurisdiction, be dissolved, broken, or separated.

It is here to be observed that the legality of the marriage is not made to rest on the Pope's dispensation, but on its not being prohibited by the law of God. This Act has never been repealed. The Act of the 1st and 2nd Philip and Mary, c. 8, provided—

> "That marriages made *infra gradus prohibitos consanguinitatis affinitatis cognationis spiritualis*, or which might be made void for any cause prohibited by the canons only, might be confirmed, and children born of such marriage declared legitimate, so as those marriages were made according to the laws of the realm for the time being, and were not directly against the law of God, nor in such case as the see apostolic hath not used to dispense withal."

It also repeals the 32nd Henry VIII., c. 38, and several other Acts. The Act of the 1st Elizabeth, c. 1, revives several of these Acts in the following words:—

> "That all other laws and statutes and the branches and clauses of any Act or statute repealed by the said Act of repeal, made in the time of the said late King Philip and Queen Mary, and not in this present Act specially mentioned and revived, shall stand, remain, and be repealed and void, in such like manner and form as they were before the making of this Act."

The Act specially mentions and revives the 32nd Henry VIII., c. 38, and the 28th Henry VIII. c. 16 (an Act which made void all dispensations from the See of Rome, and renders good all marriages previously made under such dispensations, unless they be prohibited by God's laws, limited and declared in the 28th Henry VIII., c. 7), but it does not specially mention or revive the 25th Henry VIII., or the 28th Henry VIII., c. 7. Chief Justice Vaughan, however, held, in the case of Hill *v.* Good (and in this view the Judges have, I believe, ever since concurred), that inasmuch as the Act of the 1st Elizabeth, c. 1, revived the 28th Henry VIII., c. 16, in which Act reference is made to the 28th Henry VIII., c. 7, the latter Act is by implication revived. I must here observe that for many years the Judges, when application was made to them to prohibit the Ecclesiastical Courts from proceeding to set aside marriages said to be within the forbidden degrees, inquired whether the marriage in question was or was not within the Levitical degrees, and not whether it was within the degrees forbidden by the 25th Henry VIII., c. 22, and by the 28th Henry VIII., c. 7.

In Moore's *Reports* there is a case reported in Law-French, which, as it is very short and intelligible, I will take the liberty of reading :—

> "33 Eliz.—En le case d'un mann qui fuit sué en le court Christian pour le marier d'un de ses wive's sister's daughters, et phibition (prohibition) fuit agard (awarded) quia tel mariage n'est phibite per le levitical ley."

The same case is reported by Croke in these words :—

> "He had married his wife's sister's daughter, for which he was sued before the High Commissioners : for although this was not prohibited within the Levitical degrees, yet because degrees more remote are forbidden, they gave sentence of divorce ; and he grounded his prohibition on the 32nd Henry VIII., c. 38. And a consultation was prayed and granted because the prohibition is not to be if it be not within the Levitical degrees, and here it was general and therefore not good."

To this case is appended the following marginal note :—"If the spiritual court impeach a marriage without the Levitical degrees a prohibition lies." In Lord Coke's *First Institute*, there is this passage :—

> "By the statute 32 Henry VIII., c. 38, it is declared that all persons be lawful, that is to say, may lawfully marry, that be not prohibited by the Levitical degrees. A man married the daughter of the sister of his first wife, and was drawn in question in the Ecclesiastical Court for his marriage, alledging the same to be against the canons, and it was resolved by the Court of Common Pleas upon consideration had, of the said statute, that the marriage could not be impeached, for that the same was declared by the said Act of Parliament to be good, inasmuch as it was not prohibited by the Levitical degrees, *et sic de similibus.*"

I may observe, in passing, that this passage gave offence to King James, by whose order it is said to have been expunged. It was, however, restored in the 9th edition of the *Institute*, and has ever since retained its place in that great work.

In the case of Harrison *v.* Burwell, reported by Chief Justice Vaughan, and by Sir Peyton Ventris, proceedings having been instituted in the Ecclesiastical Court against a man for marrying the widow of his great uncle, prohibition was granted by the twelve Judges, on the ground that this was not within the Levitical degrees. It is true, that consultation was subsequently awarded, but this was on account of a technical error, the word "extra" having been used in the pleadings instead of the word "contra," which is that employed in the statute (*contra leges Leviticales*).

This is, however, sufficient to show that the Judges at that time considered it to be their duty to inquire whether a marriage that had been impeached in the Ecclesiastical Courts, was, or was not, within the Levitical degrees. Next comes the case of Hill *v.* Good, in which the Judges held, in accordance with the opinion of Chief Justice Vaughan, that the 1st Elizabeth, c. 1, by reviving the 28th Henry VIII., c. 16, in which reference is made to the 28th Henry VIII., c. 7, revived by implication this latter Act, and that the Levitical degrees spoken of in the 32nd Henry VIII., c. 38, were to be taken to be the degrees prohibited by the 28th Henry VIII., c. 7. This decision has, I believe, ruled all subsequent decisions; and in the case of the Queen against Chadwick, in error, the Judges of the Court of Queen's Bench held, in 1847, that marriage with a deceased wife's sister was included in the prohibited degrees, and that it had, therefore, been rendered absolutely null and void by the Act of 5th and 6th William IV., c. 54, to which Act I am about to advert.

The effect of this decision was to exempt from all punishment persons who having married the sister of a deceased wife, married another woman in her life-time.

In 1835, my noble and learned Friend, Lord Lyndhurst, whose absence on this occasion I deeply lament, brought a Bill into this House to alter the law relating to voidable marriages. The title of the Bill introduced by my noble and learned Friend was, "An Act to limit the time for commencing suits in the Ecclesiastical Courts, so far as they may affect the children of parents married within the prohibited degrees." The preamble of this Bill was this:—

> "Whereas the children of parents married within the prohibited degrees, are by law legitimate, unless such marriages be declared void by sentence of the Ecclesiastical Court during the life-time of their parents, be it enacted," &c.

The Bill then proceeds to enact—

> "That the children of parents married as aforesaid, shall be and continue legitimate, unless a suit be duly instituted for annulling the marriage of their parents within —— years from the celebration thereof, or in the case of a marriage already had, unless such suit shall have been commenced within —— years from the time of such marriage."

I ask your Lordships if this does not show what were the intentions of the framer of this Bill? It is clear that Lord Lyndhurst did not mean to render null and void all future marriages contracted within the prohibited degrees.

Contrast the title and the preamble of this Bill with the title and the preamble of the existing Act. The title of the Act is, "An Act to render certain Marriages valid, and to alter the law with respect to certain voidable marriages." The following is the preamble:—

> "Whereas marriages between persons within the prohibited degrees are voidable only by sentence of the Ecclesiastical Court pronounced during the life-time of both the parties thereto: And it is unreasonable that the state and condition of the children of marriages between persons within the prohibited degrees of consanguinity or affinity, should be *ipso facto* void, and not merely voidable: be it therefore enacted," &c.

The Act then proceeds to prevent the annulling of marriages of persons within the prohibited degrees of affinity, which had been celebrated before the passing of the Act; but it does not—and I pray you to mark this—prevent the annulling of marriages between persons within the prohibited degrees of consanguinity: thus admitting that consanguinity and affinity are not, as has been asserted, one and the same thing: else why this distinction?

My Lords, I cannot tell you why the Act was made to differ so much from the Bill brought in by Lord Lyndhurst. I was not in Parliament at the time. My noble Friend, Lord Ellesmere, in a speech made in the House of Commons in the year 1843 (March 8), gives the following account of the transaction:—

> "In the year 1835 a most important statute was passed under somewhat peculiar circumstances, and I may also say of haste and undue deliberation, materially affecting a portion of the marriage laws of our country. However, Sir, it is known to hon. Members in general that the main object of that statute—originally, I believe, the sole object of it was retrospective—was for the legitimization and confirmation of a certain class of marriages which had taken place within the prohibited degrees, and which, up to that period, had not been void, *ab initio*, but voidable by sentence duly pronounced in the Ecclesiastical Court."

Now your Lordships will bear in mind that the 99th canon declares that they are void from the beginning, and that that canon, though it does not prohibit the clergy unless by implication from celebrating such marriages, prohibits the laity (which the Convocation had no authority to do) from contracting them, and says that marriages within the degrees prohibited by the laws of God, and expressed in a Table set forth by authority—it does not say by what authority—in the year 1563 (thus assuming that the degrees prohibited in this Table are prohibited by the laws of God) shall be adjudged incestuous and unlawful, and consequently shall be dissolved as void from the beginning, and the parties so married shall be separated.

Thus it appears that parties who had contracted a marriage adjudged by the canon to be incestuous and unlawful, were bound by the right rev. Prelate (the Bishop of Exeter) who now sits at the table, and by this House, in the bonds of an indissoluble union. I heard, I confess, with no small surprise, that right rev. Prelate, in presenting last night a petition to this House, say that it was against the Bill for legalising incestuous marriages. The right rev. Prelate used a term borrowed by the canonists from the heathen mythology (*sine cesto veneris*), and signifying an unnatural conjunction. The right rev. Prelate has thus begged the question. We who desire to legalise marriages with a wife's sister and niece, say that such a marriage is not forbidden by God's law, and that it is not an unnatural conjunction. But, my Lords, if these marriages be incestuous, why did he support the Bill which rendered them legal? The right rev. Prelate must admit either that these marriages are not incestuous, or that he rendered legal and binding incestuous marriages.

To return to the history of Lord Lyndhurst's Act. Lord Ellesmere goes on to say—

> "But, Sir, in the progress of that measure another enactment was grafted on it (how it originated I cannot ascertain), which extended the provisions of that statute to future marriages of the same description, and rendered them no longer voidable, but void and null *ab initio*. . . . The inconsistency of that retrospective confirmation and prospective annihilation was felt at the time, and after that prospective clause was grafted on it, the Bill was resisted almost to the death. But when it went through the other House of Parliament, hon. Gentlemen who felt the difficulty were yet persuaded to agree to the statute as it stood; but that agreement was made on a distinct understanding, which was implied by all who spoke, and acknowledged by most Members, that it was in consequence of the lateness of the period (August, 1835) that they consented to the Bill, and not on a full and due deliberation on all the bearings of it; and that something like a promise was held out, that at an early period of the subsequent Session a due reconsideration should be given to the subject."

It appears from this statement, the accuracy of which has never been questioned, that Parliament was taken by surprise, and betrayed as it were into making this most important change in the law; I say most important change in the law, because previously these marriages, though voidable, were seldom or never annulled, it being necessary that the requisite proceedings should be taken by a party interested in the succession to the property, so that, except in comparatively few cases, no one ever thought of disturbing those marriages. It is to be observed that even now they are not, strictly speaking, prohibited. The parties who contract them incur no penalty, and it is only the innocent children who are affected by the law.

My late noble and lamented Friend Lord Wharncliffe, forcibly impressed with a sense of the evils caused by Lord Lyndhurst's Act, presented a Bill to this House, in 1841, to amend it. He stated in a clear and convincing speech the ground on which he rested his case; but he did not call on your Lordships to give the Bill a second reading. In 1842 Lord Ellesmere, then Lord Francis Egerton, asked the House of Commons for leave to bring in a similar Bill; but notwithstanding the powerful address which he made in support of that Motion, he did not obtain leave to bring in the Bill. In 1847 a commission was appointed by the Crown to inquire into the law of marriage, so far as it related to the prohibited degrees of affinity. The members composing that commission were the Bishop of Lichfield, Dr. Lushington, Mr. Stuart Wortley, Mr. Blake (a Roman Catholic lawyer), and Mr. Rutherfurd (the Lord Advocate of Scotland), all men distinguished for ability as well as for learning—three of them members of the Church of England, one a bishop of that church, one of them a Roman Catholic, and one a Presbyterian; and, I believe, with the single exception of Mr. Wortley, none of them in the slightest degree biassed on the subject. With respect to Mr. Wortley, I may observe, in passing, that he was originally unfavourable to the proposed change in the law, and that it was not till after a full investigation of the subject that he became satisfied of its propriety.

I will not read more than the two concluding sentences of the report made by those eminent men. They say—

> "On a review of the subject in all these its different bearings, we are constrained to express our belief that the statute 5 and 6 William IV., c. 54, has not only failed to attain its object, but also to express our doubt whether any measure of a prohibitory character would be effectual. These marriages will take place when a concurrence of circumstances gives rise to mutual attachment. They are not dependent on legislation. We are not inclined to think that such attachments and marriages would be extensively increased in number, were the law to permit them; because, as we have said, it is not the state of the law, prohibitory or permissive, which has governed, or, as we think, ever will, effectually govern them."

Such is the opinion of the Commission whose composition I have described.

In 1849, Mr. Stuart Wortley carried through the House of Commons a Bill, to render legal marriages within certain degrees of affinity. That Bill did not, however, pass the House of Commons till so late in the Session that it was not thought proper to send it up to this House.

In 1850, Mr. Stuart Wortley carried the same Bill through the House of Commons. It was brought up to this House; but, as I have said, it was withdrawn in consequence of the near approach of the end of the Session.

Your Lordships will remark, that these three propositions to amend Lord Lyndhurst's Act were made by men not given to innovation, but by men holding conservative opinions — the late Lord Wharncliffe, Lord Ellesmere, and Mr. Stuart Wortley.

I now pass to the consideration of the objections which have been urged to this measure on what are called social grounds. It is said that, if marriage with the sister of a deceased wife be permitted, the familiar intercourse that now subsists between a husband and the unmarried sister of his wife, will be put an end to. I cannot think that there are many men who, while their wife is yet living, would calmly contemplate the possibility of marrying her sister. I am sure that there are few women who, in their sister's life, would contemplate the possibility of marrying her husband. If there be such persons, no law will regulate or restrain their feelings or their actions. It is not because a young married man may possibly become hereafter the husband of a young unmarried woman, who is not related to him, that he is not thought a safe or good companion for her, but because such companionship would be dangerous to her reputation, if not to her honour.

That the present law has, in all cases, obviated the danger of familiar intercourse between husbands and their unmarried sisters-in-law, cannot be asserted. If religion, honour, and good feeling are insufficient to restrain a man from seeking to gain the affections of his wife's sister, no law will do it. That wives would be jealous of their unmarried sisters if the law were altered, I do not believe. They were not so when the law practically permitted these marriages. Then, it is said that, after the death of the wife, her unmarried sister could not reside in the widower's house if she could marry him. I do not think that, in the present state of the law, a young unmarried woman can, without risking her reputation, reside in the house of a young unmarried man, though that man be her brother-in-law. Indeed, as was once remarked in this House by the Archbishop of Dublin (whose absence on this occasion I deeply lament), if a young man and a young woman residing in the same house may marry and do not, it is to be presumed that they have no inclination for each other; whereas if the law prevents them from marrying, their living together will occasion scandal.

A more pitiable situation can hardly be conceived than that of two persons brought together by the death of one who was dear to both, both deeply interested in the children she has left, and thus led to conceive a deep affection for each other, finding themselves forbidden by the law, not of God, but of man, to marry. We are told that a man who marries the sister of his deceased wife converts an affectionate aunt into a harsh stepmother. Why? What reason is there to suppose that she will be less affectionate and kind to the children as a stepmother, than one who is unconnected with them? However, my Lords, I will not argue these questions; for I feel that we are not called on to decide whether those marriages be advisable or not. The question is, are we justified in prohibiting them?

Many marriages are inexpedient. The marriage of an old man with a young girl, of an old woman with a youth, of a man who has a family of daughters with a woman of bad character, and many others; but the law does not interfere to prevent them. If this principle were admitted, we might be called on to re-enact sumptuary laws, and to limit the expenditure of every man according to his means.

I will now proceed to lay before your Lordships some statistical information on the subject.

Some doubts having been expressed as to the accuracy of the statements made in the House of Commons, of the number of those marriages, considerable pains have been taken to verify these statements.

Respectable and trustworthy persons, one of them a barrister, whom I have myself seen, have been employed for this purpose. The result of their inquiries is, that in two districts (one of these the metropolis and its suburbs) and that in a very short time, there were discovered 850 of these marriages; of 143 of these the dates had not been ascertained; but it appeared that 84 had been celebrated between 1835 and 1840; 142 between 1840 and 1845; and between 1845 and 1850, 202; showing a rapid increase in the number of those marriages, and proving that public feeling is not with the law.

In the second district, which comprises the Potteries, and which contains a population of about 500,000, 625 cases had been discovered in a very short time, exclusive of several in respect to which it had not been possible to institute minute inquiries. Of this number 165 had been contracted before 1835; 93 between 1835 and 1839 inclusive, or about 24 per annum; in the next five years, from 1840 to 1845, the number rose to 150 or about 30 per annum; in the quinquennial period between 1845 and 1850 there were 173, or about 35 per annum; and in the year 1850 there were 41. Here again we see a regular increase in the number of these marriages.

It was, I believe, asserted, that one case only of this description existed in the parish of St. Margaret's, Westminster. I hold in my hand a list of no fewer than 28 cases in that parish. The names and addresses of the parties are given in this list, so that any one who wishes may satisfy himself as to its accuracy. These marriages have been contracted by persons in every class, from the highest to the lowest, and by moral and religious persons who would be as unwilling to violate the law of God as any of your Lordships.

I do not say that those who knew what the legal consequences of their acts would be have a right to expect the Legislature to alter the law, because it injuriously affects them; but I do say that the fact that a number of moral and religious persons conversant with the Scriptures, contract these marriages is a strong argument in favour of a modification of the existing law.

Then, my Lords, I ask you to consider the view which is taken of this question by moral and religious persons not affected by the law.

In the Appendix to the Report of the Marriage Commissioners, I find the evidence of Lord Marcus Hill, touching a marriage of this description, contracted by his brother, Lord George Hill.

The whole of that evidence deserves attention, but I will only read the following passages from it. He is asked—

> "Have they been received in society on the same footing since their marriage as before?"

Lord Marcus replies—

> "I have no reason to doubt it. As soon as they returned from the Continent, they came to London, and went over to Ireland. In regard to the reception generally given to my brother and sister on their return from Altona, I may add that Lord Winchilsea, who is Mr. Knight's neighbour, near Godmersham, invited them to Eastwell Park, and that other neighbours called on her. Since their return to Ireland, every one, high and low, has been to see her, and many have expressed their strong approbation of their union; such as Lady Bangor, Mr. and Lady Helena Stewart, Sir James and Lady Stewart, Rev. Dr. and Mrs. Kingsmill, Rev. Mr. Atkins, Rev. Dr. and Lady Anne Hastings, Mr. Ball, Mrs. Otway, and many others; the common people approving highly, and some saying how wise George had been not to bring a stranger into his family."

Does any one believe that the noble Earl here referred to, would have invited to his house a couple whom he believed to have contracted an incestuous marriage, or to be living in a state of concubinage? Does any one believe that the other highly respectable and estimable persons whose names I have read would have called on Lord and Lady George Hill if they looked on their marriage as incestuous? Would they have expressed approbation of their union?

Surely, my Lords, this sufficiently proves that persons who contract these marriages do not lose their position in society. In other countries, with very few exceptions, these marriages are permitted. In all Roman Catholic countries, by dispensations.

Cardinal Wiseman says, in his evidence given before the Marriage Commissioners, that these marriages are held by the Roman Catholic Church not to be prohibited in Scripture. "It is considered a matter of ecclesiastical legislation."

He is asked, "When you say unlawful, you mean unlawful by the law of the Church?" He answers, "Certainly." Then, the next question put is, "And when you think proper to dispense with such unlawfulness, you think proper to dispense with a regulation of the Church, and not with a prohibition of Scripture?" His reply again is, "Certainly."

There is, I believe, no Protestant country, except some of the Cantons of Switzerland, in which these marriages do not take place—in some with, in some without, a dispensation.

Even in Russia, where the established religion is that of the Greek Church, by which these marriages are prohibited, persons not being members of the Greek Church may contract them. It is true, as I have said, that the Greek Church prohibits these marriages, but it also prohibits all marriages within the seventh degree of relationship, so that a man may not marry his wife's second cousin. The example of the Greek Church will scarcely be held up to us for imitation. But even the Greek Church, though it prohibits these marriages as a matter of ecclesiastical discipline, does not look upon them as being forbidden by the law of God. For this statement I have the authority of the Rev. Narcissus Morphinos, the minister of the Greek Church in London, and that of Mr. Leon Melas, who formerly held the office of Minister of Justice in Greece.

I have already cited many authorities of great weight to show that there is nothing repugnant to the law of God, or to the law of nature, in these marriages. There are yet a few to which I must call your Lordships' attention. The late Bishop of

Llandaff, in a published letter, declared that he saw nothing in Scripture to warrant the prohibition of these marriages. The Archbishop of Dublin, the late Bishop of Meath, and the Bishop of Lincoln, have made a similar declaration. The Bishop of Lichfield was a member of the Commission to whose report I have referred. I am authorised to say that the Bishop of Durham does not object to this Bill as being inconsistent with the divine law. I believe that I am justified in saying that the Bishops of Norwich and of Manchester look on this branch of the question in the same light.

In America these marriages are not only not objected to, but, to use the words of that great jurist, Mr. Justice Story, they are considered the best sort of marriages. That they are legal in America, we are also told by another eminent jurist of that country, Chancellor Kent.

Many dignitaries of the Church — among them the Chancellor of the diocese of Exeter, Chancellor Martin, and a very large number of parochial clergymen, not only look on these marriages as permitted by Scripture, but desire that they should be legalised.

Mr. Dale, Mr. Gurney, Mr. Villiers, Mr. Champneys, and Dr. Hook, men having the care of large and populous parishes, and mixing much with the poor, all speak of the evils occasioned by the existing law, and urge its amendment. Several eminent divines of the Presbyterian Church, among them Dr. Chalmers, and Dr. Eadie (the Professor of Biblical Literature in the University of Glasgow), hold marriage with the sister of a deceased wife to be permitted by Scripture. This is likewise the opinion of almost every Dissenting minister in England, of every persuasion. I have ascertained that the petitions which have been presented to this House for the alteration of the law in respect to these marriages, have been signed by upwards of 160,000 persons; they would have been signed by a much larger number, if so early a day had not been fixed for the second reading of this Bill.

My Lords, I say to the opponents of this measure, if you can show that the marriages which it is proposed to legalise, are forbidden by the word of God, that they are contrary to the law of nature, or that they are inconsistent with the well-being of society, you may call on the House to reject this Motion; but the burden of proof is on you. If you cannot show this, you have no right to uphold a restriction which produces so much misery and so much evil. The documents which I have referred to, prove that the law is ineffectual. Parties desirous of contracting these marriages, if they are rich, go abroad; and it is doubtful whether such marriages contracted abroad, are or are not legal in this country. If they are poor, they marry at home; or where the clergyman happens to know of the connexion between them, and refuses on that ground to celebrate the marriage, they live together unmarried. Such is the effect of the existing law.

I call on you, my Lords, to ponder these things. I call on you to reflect on the awful responsibility which you incur in maintaining this law. I say an awful responsibility, for if these marriages are not prohibited by the law of God, you take on yourselves to put asunder those whom God has joined together. Reflect, then, I beseech you, and if you entertain a doubt on this subject, give the House by your vote this evening another opportunity of considering the very important question which I have ventured imperfectly to bring before it. I move that this Bill be now read a Second Time.

The ARCHBISHOP of CANTERBURY rose with much reluctance to address their Lordships on a subject on which he had far rather remain silent, and which he regretted should ever have been brought before their Lordships for discussion. Not that he had any doubt as to the line which he should take, or the opinion which he should maintain; but it was painful to differ from the sentiments of many excellent men; painful to oppose the noble Earl, who had introduced the subject with so much research and so much moderation; and painful to do violence to the interests and warm affections which were engaged on what he must be allowed to think the side of error. But he had a duty to perform, which he must not hesitate to fulfil. It would not, however, be necessary to trouble their Lordships at any length; the argument on which he relied, and on which he grounded his opinion, lay in a small compass; in fact, he considered that the question at issue had been decided for them, being already settled by the law of God. And surely it was no slight advantage that it should be so settled, and that on a subject involving so many interests, and exciting such strong feelings, as the subject of marriage, a line should be drawn for us beyond which we must not deviate.

In a kindred subject, likewise relating to marriage, we had a like advantage;—in the case of divorce, how many vague reasonings and conjectural arguments were silenced at once by the single sentence of the divine law, which declared the marriage tie to be indissoluble, except only in the case of unfaithfulness? And so, on the question before them, it was highly expedient that they should be told by authority which could not err, where the conjugal relationship might and might not exist—where the ties of affinity and consanguinity began. This he considered to be laid down in the 18th chapter of Leviticus, in the interpretation of which he must be permitted to differ from the noble Mover of the Bill. That chapter began by condemning the practices of the nations by whom the Israelites were surrounded, as displeasing to the Most High, and not to be suffered in a people which He had chosen for his own—chosen to preserve His name and the knowledge of His laws in the world, until that fuller revelation of His will which was hereafter to be made at the appointed time. "Ye shall do my judgments and keep mine ordinances, to walk therein; I am the Lord your God." After this solemn beginning, the well-known prohibitions were enumerated. The principle was first stated, "None of you shall approach to any that is near of kin to him." Specific cases followed which would violate the principle; cases, first of consanguinity, nearness of blood, members of the same family. "Thou shalt not approach thy father's sister, thy mother's sister; thy father's brother's wife; they are thy parents' near kinswomen." Though there was no nearness of blood, there was that nearness of kin, which (as was known to Infinite Wisdom) would render such alliances, if permitted, injurious to the welfare of families, and of the community. Then followed verse 16th, which he considered to settle the present question—"Thou shalt not approach thy brother's wife." Between the sister of the wife and the brother of the husband, the analogy was so clear and plain, that what was forbidden in the one case, must clearly be forbidden in the other. No possible reason could be assigned why the brother should not marry the brother's widow, which did not equally forbid the sister from allying herself with the sister's widower. Unless they admitted the principle to which the noble Earl objected, and argued *pari ratione*, they were left with no principle at all. If they waited till the instances were specifically named to which the prohibition was to extend, they would find no exact prohibition of connexions which were most revolting to all our feelings. The father was not expressly forbidden to approach his daughter. Out of the thirty prohibited degrees, fourteen were specified in terms, and sixteen were left to implication and analogy. It was argued, however, by the noble Earl, that the effect of the 16th verse was neutralised by the sentence which followed:—"Thou shalt not take a wife to her sister, to vex her, in her lifetime;" as if the prohibition ceased with the life of the sister. But he need not tell their Lordships that the interpretation of this passage was so uncertain that no argument could be satisfactorily based upon it. In the text of our own version, the words were as he had stated them. But in the margin of our Bible, which was of nearly equal authority with the received text, the words were, "Thou shalt not take one wife to another." In the opinion of the best critics, there was as much authority for one interpretation as for the other. And it seemed to be a case where the judicious rule of Paley might be properly applied, who warned them not to suffer what they did know to be disturbed by what they did not know. They did know the meaning of the 16th verse—"Thou shalt not approach thy brother's wife." It could not be disputed. They did not know the accurate meaning of the verse that followed. In the Court of Queen's Bench, when a cause connected with this subject was tried, six different interpretations of the passage were alleged. Therefore what was plain must not be disturbed by a sentence of which they only knew that it was of uncertain and disputed signification, especially where the interpretation which he maintained was defended by the opinion of the Christian Church from the earliest times. He did not, indeed, profess to treat that judgment as infallible, or to assert that it precluded their taking the subject into consideration. The Church, though consisting of a congregation of faithful men, was still a congregation of fallible men, among whom error might possibly be permitted to prevail. But the concurrent opinion of religious persons and collected Churches in different ages and countries would never be lightly disregarded, or set aside without cogent reasons, more particularly when their decision was not in accordance with the natural bias and inclination, which would be rather to relax than to tighten the prohibition. This appeared from the practice of some Protestant States of Europe in modern times, and from what had taken place in the Roman Catholic Church. The marriages in question had never been heard of in that Church until the 15th century. In that period of corruption the Pope, in the plenitude of his power as the vicegerent of the Most High, took upon himself to grant a dipensation to Emmanuel of Portugal, who married his sister-in-law, and afterwards to Ferdinand of Sicily for an alliance with his aunt. He maintained the principle, but in practice allowed it to be infringed, yet in terms which contained their own confutation: *si urgens necessitas vel evidens utilitas postularit.* Their Lordships would judge of the validity of such a dispensation. And with whom did it originate? Not with one who was an ornament to the communion to which he belonged—as there had been many such ornaments—but of one who was a disgrace to any Church; the very last example which a pure Church or a moral nation would desire to follow. He trusted that it would not be followed by their Lordships, and that they would concur with him in rejecting the proposed Bill. They were told much of the inconvenience and the many mischiefs which attended the law as it now stood; and no doubt it was much to be lamented that this or any other law, divine or human, should be transgressed. But the part of the Legislature must be not to lower the law to the standard of the practice, but to elevate the practice to the standard of the law. Very grievous mischief arose from all unlawful connexions, from the practice of concubinage, for instance; but we did not, for that reason, dispense with the obligation of marriage, or legitimise the guiltless progeny of a guilty connexion. He did not deny that there were cases in legislation when convenience or expediency must be considered; and when they might justly weigh the evils on one side with the evils on the other, and decide between them as best they might, whether "to bear the ills we had, or run the risk of others that we knew not of." But reference to expediency supposed the absence of acknowledged principle or settled law. When principle began, the province of expediency was at an end; and he held that, in the present case, they were bound by a settled principle and divine law, and could allow of no other consideration. On these grounds he trusted that their Lordships would hand down to their children the law of marriage in the same purity and integrity as they had received it from their ancestors. He should not trespass longer on their attention, but sit down with moving, as an Amendment, that the further consideration of this Bill should be postponed to that day six months.

Amendment moved, to leave out the word "now" and insert "this day six months."

The BISHOP of EXETER:* My Lords, in rising to express my warm concurrence in the Amendment which has just been moved, I may be permitted to say that I listened throughout to the speech which introduced that Amendment, both with unmixed pleasure and with a deep sense of the value of such a testimony, from such a quarter, to the high and sacred principle on which the most rev. Prelate rested his opposition to the further progress of this Bill.

I hope that the noble Earl will permit me to offer likewise my acknowledgment of the moderation and conciliatory spirit, no less than of the ability and research, which distinguished the speech with which he has on this night, for the first time, brought this measure before your Lordships.

My Lords, it is my intention to state, in some detail, the reasons for which I shall presume to urge your Lordships not to give your sanction to the principle of this Bill by allowing it to be now read a second time.

But, before I proceed further, there is one particular to which I feel it necessary to address myself in the very outset. The noble Earl has remarked, seemingly with some censure, on an expression which I used last night in presenting some petitions to your Lordships against the Bill. I called it the "Incestuous Marriages" Bill; and of this the noble Earl complains, as prejudging the question now before the House. My Lords, I cannot but rejoice that the noble Earl ascribes so much importance to that phrase—for, if the use of it be to prejudge the question, it is plain that he considers that, supposing the marriages which the Bill would legalize to be incestuous, your Lordships ought not to pass it into an Act. Now, my Lords, in using the phrase, I had no wish to prejudge the question—I simply used it as the only expression by which I could, consistently not only with my own convictions, but also with my own sense of my duty as a bishop, characterize such marriages. It is very true that the heading of this Bill is simply "Marriages." But as the Bill is not concerned with marriages in general, but only with a particular class of marriages, I could not satisfy myself, without specifying that class by the title which is given to them by the Church in which I am a bishop. My Lords, that Church, in its 99th canon, expressly requires that these marriages be adjudged incestuous. Was a bishop therefore wrong in so denominating them, when the Church in which he bears his high office expressly requires that they be so adjudged, and when the petitioners, whose earnest prayer he was presenting, did on that account implore your Lordships not to inflict so deep an injury on the religion and morality of the nation, as would in their judgment be inflicted by the passing of this Bill? I am sure that the noble Earl will not, on reflection, think there is any real ground of complaint against me, for thus acting and speaking, in conformity with the express judgment of the Church.

But, my Lords, after all, the noble Earl does not appear to have thought that I did any harm to his cause by thus prematurely calling these marriages incestuous. It gave to him an opportunity of urging a taunt against me, which I think that, holding his opinions, he was quite right in urging. "If the right rev. Prelate," says he, "does indeed consider these marriages incestuous, how can he reconcile that principle with the support, or at least the assent, which he gave to passing the Act of 5 and 6 William IV., commonly called 'Lord Lyndhurst's Act,' 'An Act to render valid certain Marriages,' which marriages he now declares to have been incestuous?" My Lords, I have no difficulty whatever in answering the noble Earl's inquiry, and in showing that my concurrence in passing that Act was not only entirely consistent with my considering the marriages in question incestuous, but was actually prompted and strengthened by that very consideration. It is very true that the title of the Act is "To render valid certain Marrriages;" but is it the effect of the Act itself to do this? Look into the Act, and see whether there is a single provision, or a single word in it, which has any bearing on such a point. My Lords, it is with all deference to the noble and learned Lords whom I see near me, that I venture to say, that in construing an Act of Parliament the first and main thing is, to ascertain whether the words of the enacting parts be plain, intelligible, and consistent. If they be, it is a matter of perfect indifference what may be the language even of the preamble, much more of the title. I hope that the noble and learned Lords will correct me if I am wrong. [Lords BROUGHAM and CAMPBELL: Hear, hear!] I thank the noble and learned Lords for thus sanctioning the rule which I have ventured to cite. Well then, my Lords, if this be the rule of construing an Act of Parliament, let the noble Earl look into the statute in question, and see, I repeat, whether there be anything whatever in it which justifies its title, or the representation which the noble Earl has given of its import.

My Lords, before I assented to the passing of that Act, or rather warmly concurred in passing it, I deemed it my duty to ascertain that, if it passed, it would not have that effect which the noble Earl ascribes to it. On examination, I found that it did no more than protect the innocent issue of those marriages from suffering for the guilt of their parents. It effected this, which there is no man who could consider otherwise than a most satisfactory and gratifying result, by putting them in the same position as they would be placed in, under the law as it before stood, if one of their parents were dead. This, I repeat, was the full effect of Lord Lyndhurst's Act: it enacted that marriages already contracted within the prohibited degrees of affinity, should not be annulled by any sentence of the Ecclesiastical Courts, even during the lifetime of the parties; just as under the previously existing law no such marriage could be annulled after the death of either of the parties to it. Such, my Lords, I repeat, was the full effect of this much misrepresented statute. [Lord BROUGHAM: Hear!]

My Lords, I again thank the noble and learned Lord for thus giving his high sanction to the construction which I have ventured to put upon the statute.

But it will be said—it has been said by the noble Earl—that I thus assisted in binding together, by an indissoluble bond, the parties in every one of those marriages, which yet I avow that I consider as incestuous, and if incestuous, as highly sinful. But here, too, I must again tell the noble Earl that he wholly misconceives the effect of that statute. True, it forbade the Ecclesiastical

Court to pronounce any sentence annulling such marriages; but did it impose, did it recognise, the duty of such parties to live together in a state of sinful and incestuous intercourse? So far from it, that the highest Ecclesiastical Court in England, having occasion to comment on the effect of that statute in the case of Sherwood and Ray, declared that there was nothing in it which interfered with the existing law, further than I have already stated; and the great Judge who presides in that court, intimated pretty plainly and strongly, that if any such parties were proceeded against for incest, even though the statute forbade any sentence to annul the marriage, the court would nevertheless admit the libel, and award ecclesiastical censures, if the incestuous intercourse were proved. My Lords, you will find in one of the legal opinions given in the Appendix (App. No. 13, Dr. Phillimore), to the Report of the Commission on the Law of Marriage, that the learned counsel, who had been consulted, gave it as his decided opinion, that, if any such case were brought before Sir Herbert Jenner, he would act on the opinion which he had already declared—that it is competent to the Ecclesiastical Court to punish parties who had contracted such a marriage, with ecclesiastical censures, though the marriage itself could not be declared void.

My Lords, upon this point, the noble Earl will permit me to remind him of a case in the Reports of Lord Hobart, which is contained in an authority to which he has referred the House.

[The Earl of ST. GERMANS : I cited nothing from Lord Hobart; my authority was Lord Chief Justice Vaughan.]

The Bishop of EXETER : True, my Lords; Lord Chief Justice Vaughan was the authority cited by the noble Earl. But in Lord Chief Justice Vaughan's Reports, and in the very case specially cited by the noble Earl, the case of Hill *v.* Good (Vaughan, 322), there is express authority to show that a previous sentence, declaring an incestuous marriage null and void, is not necessary in order to sustain a libel against the parties for incest. Chief Justice Vaughan said—

> "In Lord Hobart's *Reports*, I find that one Rennington was questioned by the High Commissioners for marrying his wife's niece, and was sentenced to penance, and bound to abstain from her company; but they were not divorced *à vinculo matrimonii*, though there was cause, saith the book, and therefore the wife had her dower, nor was there any prohibition in the case."

My Lords, there is another leading case, the case of Harris *v.* Hicks (Salkeld, 548), in which the suit was against the plaintiff for incest, in marrying his first wife's sister. Pending the suit, the second wife died; and the husband moved for prohibition, on the ground established by all the Judges in James I.'s time, that, for the protection of the children, no marriage within the Levitical degrees should be declared null after the death of either of the parents. But what did the Court of King's Bench? Did it issue prohibition in that case, a case of incest? No, my Lords; it decided, that while "prohibition should go as to annulling the marriage or bastardising the issue, the Ecclesiastical Court might proceed to punish the incest."

Well then, my Lords, when this had before been the law, as declared by the highest and most unquestionable authorities, and when there was nothing in the statute of 5 and 6 William IV.—except the blundering title — which bore even the semblance of interfering with this law, what is there which needs excuse or explanation, from one who, like myself, holding, as the laws both ecclesiastical and temporal held and hold, these marriages to be incestuous, did yet concur, for a very grave consideration, in forbidding the passing of any judicial sentence of the nullity of certain of those marriages which had been already contracted, but leaving untouched their sinful and incestuous character—and still leaving it open to the proper court to proceed against the guilty parties who had contracted them, to sentence them to live apart, and, if they persisted in their sinful intercourse, to punish them even with excommunication? My Lords, in the thing itself no principle was violated, no sin was protected. But, on the other hand, a great benefit was gained—a very great boon to the cause of religion and morality —by putting an end for ever (as we hoped, ay, and will still confidently hope) to that anomalous and most pernicious state of law, which tempted parties to the most unhallowed unions by holding forth the assured prospect of security, so long as none were found to undertake the invidious and costly course of proceeding judicially to annul them. Instead of this, Lord Lyndhurst's Act (so, to his lasting honour, it is named) made all such marriages to be in future without any sentence of any court, absolutely null and void to all intents and purposes.

My Lords, if in meeting the noble Earl's taunt against me I have dwelt on this matter at greater length than would have become me in vindicating merely my own consistency, I yet offer no apology for so doing: for I feel that I have thus been the humble instrument of bringing your Lordships' minds, and, it may be, the minds of others, to a consideration of the real character of an Act which has been made the object of more misconstruction and misrepresentation than almost any legislative Act which can be named. That misrepresentation has, in truth, been one of the most favourite and most successful expedients of the agitation out of doors on this very remarkable occasion.

My Lords, I turn to other matters dealt with by the noble Earl. And, first, let me advert to one of the many authorities cited by him as favouring his opinions—authorities, not all of them indeed very well known to fame—but the one to whom I am about to invite the attention of your Lordships, among the most eminent in the list of English Divines — I mean, Bishop Jeremy Taylor. My Lords, the noble Earl has repeatedly recommended this great writer to your attention—and he cannot too frequently recommend him. I, too, would venture to join in the recommendation; not on account of the passage cited by the noble Earl, the correctness of which citation I am by no means disposed to dispute —for I will frankly own I was not previously acquainted with it—but in order to lay before your Lordships another passage —a very short, but in my opinion a most conclusive, passage, as respects the matter of our present inquiry and a very large portion of the noble Earl's arguments. The passage to which I refer is as follows. It occurs in his *Law of Conscience*, b. ii., c. 2, where he is arguing against the prohibition of marriage between first cousins. He says—

> "What better determination can we have of those indefinite words 'near of kin,' or 'the nearness of my flesh,' than the express particulars made by God himself in that very place, Lev. xviii ?"

These, my Lords, are the words of Bishop Taylor.

[The EARL of ST. GERMANS: Oh! I know that passage.]

The BISHOP of EXETER: Indeed! Then I must express my surprise that the noble Earl did not take care that your Lordships should know it also. If Bishop Taylor be, as he undoubtedly is, a very high authority, I am confident that the noble Earl must be as anxious, as I can be, that his real sentiments should be known and accurately stated.

But I pass from this dead Bishop to a living Prelate of great eminence, whom also the noble Earl claims as a high authority on his side—one whose absence from the House the noble Earl has very feelingly deplored — I mean the Archbishop of Dublin. My Lords, we cannot doubt the sincerity of the noble Earl's regret at the loss of so very able and eloquent a coadjutor. But I too do, in some measure, participate in that regret; for, greatly as I should feel the power of such an opponent, I should yet have the satisfaction of making one or two observations with less of reserve if he were present, than I cannot but feel in making them, as I am compelled to do, in his absence: "compelled," I say—for my observations will be addressed to words written by his Grace, and somewhat ostentatiously pressed into the service of the present Bill by the introduction of them, and repeated reference to them, in the appendix to this report.

My Lords, in the absence of the most rev. Prelate, I will not make any remarks on the general tone and principle of his Grace's argument — tempting, I frankly own, as I feel such a subject to be. But from this I abstain altogether. The only passage on which I will observe is one which I cannot but feel as an unjust, and not very liberal, insinuation against all who hold, as I do, that "the allegations from the Levitical law"—so the most rev. Prelate writes—in other words, the prohibitions in the 18th chapter of Leviticus —are binding upon Christians. His Grace is pleased pretty plainly to imply that he does not believe we are sincere in holding this opinion; and he is further pleased to impose upon us what he considers the duty of adhering to the Levitical law in all points alike. Among others, in what is in a certain case commanded in the Book of Deuteronomy, namely, "the marriage of a brother with his deceased brother's widow."

My Lords, I hold, and I will not do myself the injustice of saying I hold sincerely, that the prohibitions of marriages in the 18th chapter of Leviticus are still binding upon Christians. I also hold that the compulsory marriage specified in Deuteronomy is not binding upon Christians. I will, with your Lordships' permission, proceed to say why I hold both particulars.

It has been customary, among all who have treated the matter, to divide the Jewish law under three heads—the ceremonial, the civil—

LORD CAMPBELL: The municipal rather.

The BISHOP of EXETER: The noble and learned Lord may very probably be correct in his preference of the term municipal. But he will permit me to use my own word civil; for I have taken it from the seventh of our Thirty-nine Articles, and I shall have particular occasion to refer to this article presently. I say then, my Lords, that the Jewish law is commonly, and with good reason, divided into three heads—the ceremonial, the civil, and the moral. Now, the ceremonial and the civil laws of the Jews were binding only for a time, and only on the nation to whom they were immediately delivered. But the moral law is of perpetual and universal obligation.

That the 18th chapter of Leviticus, containing the prohibited degrees of marriage, is part of the moral law, however certain, may yet seem to require some proof; your Lordships, therefore, will pardon me, if I briefly state one or two considerations for that purpose. First, these prohibitions are declared by the mouth of God himself. Six times in the course of this one chapter He says, in solemn confirmation of His words, "I am the Lord." But this, it may be said, proves only that this is God's law; it would be so, if it related to the Jews only. Let me, then, next call your Lordships' attention to the manner in which He speaks of His law. He commands Moses to speak to the people, saying, that they should keep His laws and His ordinances, and not do after the abominations of the Egyptians and the Canaanites, who had thereby drawn down the vengeance of God on their guilty heads. Now, what were these abominations? They are solemnly recounted; and among them are those marriages which the Bill now before the House would legalise in England. At the end of the enumeration it is said—

> "Defile not ye yourselves in any of these things; for in all these the nations are defiled which I have cast out before you. And the land is defiled: therefore do I visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants."

My Lords, is it possible to doubt that this is part of the moral law? Could such awful denunciations of wrath be uttered against a people who had only not done according to some ceremonial or civil law, which had never been delivered to them? Well, then, if this be the moral law, and if we avow that we believe it to be, as such, binding on us and the whole race of man, must we on that account—as the Archbishop of Dublin says we must—assert that every part of the Mosaic law is equally binding in all times and on all nations? In particular, as is specified by his Grace, must we say this of the compulsory marriage of a brother with his deceased brother's widow? My Lords, that precept is found in the 25th chapter of Deuteronomy, in the midst of a series of civil and peculiar practices enjoined on the Jews, as a people to be kept separate by their customs and polity from the other nations of the earth. The very reason given for the precept proves this to be the case; it is, to keep up the family of the deceased brother, "that his name be not put out of Israel," and that the land allotted to him pass not into the hands of strangers.

My Lords, is not this then manifestly, and on the face of it, part merely of the civil law of the Jews? But, if this be so, I would ask the most reverend Prelate, if he were here present, not whether he is sincere in holding (for I am sure he is sincere in holding whatever he professes to hold), but whether he does indeed hold, that this precept or commandment in Deuteronomy is equally binding or equally free to all nations, Jew and Gentile, Christian and heathen? If he does, how will he reconcile such a tenet with his repeated subscription to the seventh article, which declares that—

> "Although the ceremonial parts of the law given by God to the Jews do not bind Christians, nor ought the civil precepts to be necessarily imposed on any other nation, yet, notwithstanding, no Christian man is free from the obedience of the commandments which are called moral?"

My Lords, I hope that this question may meet either the ear or the eye of that most reverend Prelate, and that he will feel himself bound to state how he reconciles his taunt on us with—I will not imitate that taunt by saying, his sincerity, but—his consistency in subscribing the seventh article, while yet he thus makes the civil and the moral law of the Jews equally binding or equally free to all mankind.

My Lords, this matter brings me to what is the main question to be decided by your vote on this night—whether to admit or to reject the principle of the present Bill. Now, if the marriages which the

Bill would legalise be contrary to the moral law of God—as they are, if they be included in the prohibitions of the 18th chapter of Leviticus—then this House, as a body of Christian legislators, must refuse to give a second reading to the Bill on our table. I will, with your Lordships' permission, proceed to consider this question, and I venture to assure your Lordships that I shall be able to bring my argument within a very moderate compass.

The 6th verse states the general principle, "None of you shall approach to any that is near of kin to him, to uncover their nakedness." Now, what is "near of kin?" They are manifestly words which, if they stood alone, would hardly admit any satisfactory—at least, any definite—solution. The Divine Lawgiver was, therefore, pleased to give to us a rule of interpretation. In doing this He does not enumerate all the cases which fall under the rule, but He lays down certain specified degrees of propinquity, and leaves it to us to examine by them every particular case, and on such examination to decide for ourselves, whether it be within any of the specified degrees. If it be, such marriage must be considered as forbidden by the law of God, as unlawful, and incestuous.

Now, as respects the marriages which are the objects of the present Bill—marriage with a deceased wife's sister—and marriage with the daughter of a deceased wife's brother or sister—the 16th and the 14th verses are those which are to be specially considered. The 16th says, "Thou shalt not uncover the nakedness of thy brother's wife." This is the degree of propinquity which is here forbidden, and every case which falls within this degree must be considered as equally forbidden. Now, it is manifest at once, that a wife's sister is in the same degree of nearness as a brother's wife; therefore, in the prohibition of marriage with a brother's wife, marriage with a wife's sister is included.

Again, the 14th verse—"Thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach to his wife, she is thine aunt," equally applies to the marriage of the daughter of a deceased "wife's brother or sister," for the degree of propinquity is the same; and it might equally be said to the wife of such a husband, "He is thine uncle."

Now this last-mentioned degree is especially worthy of our attention; for it is a distinct declaration by God himself, that degrees of affinity are not less regarded in His law as impediments to holy matrimony, than similar degrees of consanguinity. It is, indeed, remarkable (and the words may have been used for this very purpose—that is, to point the sameness of affinity and consanguinity), that it is in the case of affinity only those words are added, "She is thine aunt."

The truth is, that this great principle is throughout enforced in the divine law in the strongest manner. The first positive commandment delivered by God to man, after his creation, was that man and wife shall be one flesh. It was again promulgated by our Lord himself—"They twain shall be one flesh." His Apostle declared the union of holy matrimony to be so complete, that it is a type of the mystical union of Christ with his church. It becomes us, therefore, to be specially cautious not to admit any construction of God's words which shall interfere with this great primal law. Thus much I have deemed it necessary to say of the absolute sameness of affinity and consanguinity, as they affect the lawfulness of marriage.

The noble Earl has remarked (and he indicated some surprise that I should assent to the remark) that the phrase to "uncover nakedness" does not apply to the conjugal union, but always includes the notion of turpitude and pollution. I fully agree in this criticism. It is sustained by the uniform use of the expression in all the places in Holy Scripture in which it occurs—upwards of twenty in number; and from this I draw a confident conclusion, that the union with a wife's sister, spoken of in these reproachful terms, is incestuous—cannot partake of the innocence, much less of the sanctity, of holy matrimony.

But there is another main branch of the subject on which the noble Lord has made it necessary that I should detain your Lordships with a few observations. My Lords, the noble Earl refuses to admit that all the degrees enumerated in the 18th chapter of Leviticus are such degrees of nearness of kin as render marriages of persons within them unlawful. He denies that they are to be regarded *pari ratione*, and maintains that those only which are specially mentioned are to be considered by us as binding; and yet, if this notion be sound, it will follow that marriage of a man with his daughter is not forbidden, for such marriage is not there specified, though it is included, *pari ratione*, under the prohibition of marriage with a mother, and, *à fortiori*, of marriage with a daughter-in-law. The noble Earl was conscious of the weight of this objection; but, to do him justice, he has devised a very convenient method of meeting it. He says that the nearness of kin of a daughter, though not specified in the 18th chapter, is expressly declared in the 21st; and that nearness of kin is there limited to a man's father and mother, his son and his daughter, his brother and his sister. Therefore, says he, the absence of all specification of the nearness of kin of father and daughter in the 18th chapter, affords no argument for the necessity of estimating nearness of kin *pari ratione*. Now, however, the noble Earl may triumph in this discovery respecting father and daughter, what will he say of the case of uncle and niece? There is, I repeat, no express prohibition of marriage between persons so related; but then there is an express prohibition of marriage of nephew-in-law with his aunt-in-law. Therefore, *pari ratione*, we conclude that the marriage of uncle and niece is unlawful.

My Lords, it is with unfeigned reluctance that I occupy your attention with a detailed argument on such a subject, but it is forced upon us by the Bill which is before you. I must therefore crave your indulgence while I deal with another portion of the noble Earl's argument—his interpretation of the 18th verse of this chapter of Leviticus. This, indeed, forms the whole strength of the cause of which he is the advocate. He says, as has been repeatedly said by others, that in this verse there is a plainly implied permission of marriage with a wife's sister after the death of the first wife:—"Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other, in her lifetime."

The noble Earl repudiates the version given in the margin of our English Bible, which would make this to be only a prohibition of polygamy. My Lords, on this point, and in accordance with the judgment of the ablest Hebrew scholars, I agree with the noble Earl; I willingly concur with him in not setting any value on the version in the margin. In truth, I understand both this verse and the verse which immediately precedes it, as recognising the permission of polygamy to the Jews; but regulating it by a prohibition against having two wives who are in certain degrees of propinquity of kin to each other. The 17th verse is manifestly of this kind. It forbids the taking a woman and her daughter, or her son's daughter, or her daughter's daughter; and the reason given is, "for they are her near kinswomen; it is wickedness."

Now, I contend, that the 18th verse must receive a similar construction. Can it, indeed, be gravely said, that if a wife's son's daughter, or daughter's daughter, "are her near kinswomen," her sister is not her near kinswoman too?

My Lords, it happened to me to meet with a remarkable version of this text in a book to which we should not ordinarily have recourse for the solution of a question of Biblical criticism—the Reports of Chief Justice Vaughan. In the case of Harrison *v.* Burwell, to which the noble Earl has repeatedly referred us, we find this version of the 18th verse twice given: "Thou shalt not take a wife with her sister, during her life, to vex her, in uncovering her shame upon her," (Vaughan, 223, 241.) And, rendering the passage thus, Chief Justice Vaughan says, "I affirm this marriage to be expressly prohibited within the 18th of Leviticus," (Vaughan, 305.) Need I add, that the statutes of 25th Henry VIII., c. 22, and 28th Henry VIII., c. 7, do, in like manner, enumerate the marriage with a wife's sister among those which are there prohibited?

My Lords, not content to rest such a matter on my own very slender authority, I wrote to the Regius Professors of Hebrew in the two universities of Oxford and Cambridge, requesting them separately to give me their literal version of this controverted text. These learned persons complied with my request; and I was not surprised to find that their versions were substantially, and indeed almost verbatim the same. I will read it, as given to me by Dr. Mill, the Hebrew Professor at Cambridge:—"And a woman unto her sister thou shalt not take," (here is a stop equivalent to our colon, thus making the prohibition to be absolute), it proceeds "to annoyance,"—without any pronoun (as is indicated in our own version, where "her," after "to annoy," is printed in Italics), "to uncover her nakedness upon her, in her life." Now, much stress is ordinarily laid on these last words, "in her life," as if they necessarily apply to the wife, whereas there is nothing whatsoever in the original so to fix them; and there is much to make it most probable that they really apply to the superinduced wife—for so both the preceding pronouns manifestly do — and then the phrase would only mark an emphatic prohibition of such an union at any time—even during the whole life of the sister, whether she survive the other or not.

Such, according to these two high authorities, is the real import of the 18th verse of the 18th chapter of Leviticus—the text on which, above all others, the advocates of the present measure rely.

It is a positive and absolute prohibition of this special case of polygamy—"a wife to her sister thou shalt not take;" and two reasons are given: first, that it would cause domestic misery; the second, that, by reason of nearness of kin, it would be a defilement. Now, this second reason, I need hardly say, is equally strong against taking such a party, whether during the life, or after the death of the other.

With this statement of the real import of this much controverted text, given on the highest living authorities, I rejoice to relieve your Lordships from the tedium of listening any longer to what must have been a very tiresome portion of our discussion.

But the noble Earl has stated—and he has ascribed much importance to the statement—that throughout the New Testament there is nothing whatever like an approach to a prohibition of these marriages. I am well aware that this is very commonly said. But it is quite astonishing that such a notion should ever have obtained currency. Why, marriage within that degree of propinquity of kin, which *pari ratione* includes the wife's sister—I mean the marriage of a deceased brother's wife—is denounced in the New Testament in the very strongest terms. What was it, for which John the Baptist lost his head? For telling the tyrant Herod, that it was "not lawful for him to have his brother Philip's wife." My Lords, I am not ignorant, that Roman commentators are anxious to make it appear that Herod's was a case of adultery, not of incest. This is a point of great importance to that Church; for since the serious embarrassment which was caused by Clement VII.'s decision, that the dispensation for the marriage of Henry VIII. with his brother's wife was valid, it has been deemed necessary to hold that the Levitical prohibitions are no longer part of the law of God, but owe their force altogether to the authority of the Church; and yet is plain, that if Herod's sin, for which John the Baptist so openly condemned him, was the sin of marrying his deceased brother's wife, then the binding force of the Levitical prohibitions is recognised under the new dispensation; but all the three Evangelists who record this matter lay a main stress on Herodias's being Herod's brother Philip's wife. One of them, indeed, St. Mark, especially says, "for he had married her." It should seem therefore, on all plain rules of construction, that the sin was in marrying his brother's wife; but Roman commentators will not allow this. They say, and they adduce the authority of Josephus for the assertion, that Herod's brother Philip, whose wife Herodias was, still lived; and, therefore, that Herod's sin was his adulterous cohabitation with her. Now, my Lords, I feel that this is not a place, nor an occasion, on which it would be fitting to enter into a disquisition on such a matter; but I venture to tell the noble Lords whom I now see near me (Lord Beaumont, and one or two other Roman Catholic Lords), and I say it with great respect, that I am ready to establish my assertion, by proofs drawn from Josephus himself, that Herod's brother Philip, whose wife Herodias had been, was dead: he left a daughter; consequently, therefore, Herod's marriage with her, thus denounced by John as sinful, was sinful simply by reason of her being "near of kin" to him.

Thus we find that John the Baptist died a martyr to the great principle of the incestuousness of these marriages; and our Church requires us to pray God "to make us after his example boldly rebuke vice," especially that vice against which he faithfully contended, even unto death—the vice of contracting marriages which the present Bill would legalise.

But, my Lords, this is not the only part of the New Testament in which these marriages are condemned. The "fornication," Acts, xv. 29, named in the Acts of the Apostles, as one of the "necessary things" from which the Gentile converts were commanded "to abtain," is regarded by the best commentators as referring to the Levitical prohibitions of marriage; and the word is plainly used in a sense connected with this, in reference to the incestuous Corinthian, 1 Cor. v. 1, who had married his father's wife. In saying this, I am sure I shall have the assent of my Right Reverend Brethren near me.

My Lords, I again feel it necessary to apologise for dwelling so much at length on matters which I am well aware are not only unusual in this House, but can hardly fail to be distasteful. Let me, however, again plead in my excuse the nature of the Bill itself, the course of the noble Earl's argument (I am very far from blaming him for it), and, above all, the immense importance of the interests—the spiritual interests—involved in this discussion.

But do you, I may be asked, do you call on this House to decide on a matter of so much moment and so much delicacy, for reasons depending mainly on questions of biblical criticism? My Lords, this is the very thing which I wish you not to do; it is the very thing which I think you ought not to do. I would submit to you, rather, that your votes this night ought to be decided by deference to that authority which both the constitutional law of England, and the law of that Church of which you are members, require you to submit to—the interpretation of the Church. But the noble Earl tells us, that "the Church is not infallible." Very true. But neither is the Court of Queen's Bench infallible, nor even this House itself, when it exercises its highest attribute as the Supreme Court of Appeal, and pronounces a sentence which is absolutely irreversible. But is the fallibility of every human tribunal a sufficient reason for questioning the sentence which it pronounces? Has such sentence no authority, because it has not the authority which God's judgment only can have?

My Lords, the laws of both our Church and State have declared, that the Church hath authority in controversies of Faith; and the application of the law of God to the great question involved in this Bill, is such a controversy. Now, the Church, from the very earliest time to which we can look back—even from the second century, when the knowledge of the gospel was first vouchsafed to our forefathers—has always held these marriages to be contrary to the law of God. The noble Earl has spoken with some disparagement of the *Apostolic Canon*, which marks the Church's reprobation of such marriages by excluding those who may have contracted any of them from the episcopate, and even from the clergy; and, again, of the Council of Elvira, which awards sentence of excommunication for five years on the same account; and he adds, with an air of triumph, that neither the one nor the other attempted to annul those marriages. The noble Earl is quite correct in saying this. But is it possible that he has forgotten, that, in those days, the Church had no power to do what he thinks it must have done, if it judged of such marriages as the Church now judges of them? My Lords, St. Paul, in censuring that incestuous union, of which he says that it was too foul to be so much as named among the Gentiles, "that a man should have his father's wife"—even St. Paul did not pronounce a sentence of nullity, he was content to sever the guilty pair by the terrors of excommunication.

My Lords, during no less a period than the first 1500 years, the whole Church persisted in holding that these marriages are contrary to the law of God, and as such admit not of being made lawful by any human authority whatsoever.

At length, a Pope was found hardy enough to grant a dispensation to marry the sister of a deceased wife; it was in the case of Emanuel King of Portugal, who had married a daughter of Ferdinand of Spain, and, after her death, wished to marry her sister. Now, my Lords, who was this Pope who ventured on so unheard-of an assumption of spiritual authority? It was Alexander VI.—Alexander Borgia—it was that man—I recall the word, I beg pardon of our common humanity for so applying it—it was that monster in human shape, himself stained with incest of the deepest dye, as well as by every other vice which can pollute and degrade our nature—it was Alexander Borgia, who first granted a dispensation for one of those marriages which the present Bill would legalise in the gross. Yes, my Lords, Alexander Borgia it is, whose principle your Lordships are invited to make your own; whose legislation in a single case you are now called upon to extend to the whole compass of similar relations. Are your Lordships prepared to follow such a guide? to choose such a guardian of the sanctity of our English hearths and homes? My Lords, I may answer my own question—You will not.

The next instance of a dispensation, in a similar case, was that granted by Julius II., a Pontiff scarcely less regardless of spiritual considerations than Alexander; in short, the most turbulent spirit of the very turbulent age in which he lived. It was granted on the death of Arthur Prince of Wales, the elder brother of King Henry VIII., to enable a marriage to be contracted between him (I need not say a mere child at the time) and Katharine of Arragon, the widow of his deceased brother. My Lords, it is gratifying to know that this marriage was opposed in Council by Warham, Archbishop of Canterbury, as contrary to the law of God, and therefore not admitting of a dispensation by the Pope. And this proves the accuracy of what I just now said, that, until it was rendered necessary by the refusal of Clement VII. to decide against this dispensation, the Church of Rome never pretended to deny that the Levitical prohibitions of marriage are still binding as a part of the moral law of God.

And here, my Lords, I must take leave to complain of this report, which I hold in my hand—the report made to Her Majesty by the Commissioners of Inquiry into the Laws of Marriage. My Lords, this report says—

"The question whether marriages within the present prohibited degrees of affinity were permitted by the law of God, was the subject of much discussion when King Henry VIII. sought to be relieved from his marriage with Queen Katharine."

Now I admit that this was indeed the matter of some discussion; but that it was the question in discussion I most emphatically deny. The question really in dispute was, whether such a marriage, being contrary to the law of God, could become lawful by dispensation from the Pope. Almost all the great authorities, both in England and abroad, who were consulted on the occasion—universities, doctors, canonists—agreed in advising that they could not. The Pope himself was desirous of deciding to that effect. But he was, for a while, a prisoner to the army of Charles V., Queen Katharine's nephew; and, after his release from actual imprisonment, he was so much a slave to his own fears of that prince, that even the danger of losing for ever his influence over England was insufficient to determine him to do justice. In this state of matters, the king of France interposed; it was settled that Henry should submit by writing under his own hand to the judgment of the Pope, and that the Pope should thereupon decide in Henry's favour. A day was fixed for Henry's submission to be made: the day came, but not the submission. The Imperialist Cardinals availed themselves of the incident to work on Clement's pride, coupled with his fears, and to extort a decree against the divorce—which, when Henry's messengers arrived two days after, it was too late to reverse. Such is a brief statement of that event which exercised so powerful an influence on, at least, the time at which our Reformation commenced.

The same event had no less influence, I repeat, on the doctrine of the Church of Rome respecting marriage. It was bound to uphold the decision of the Pope, which was felt to be much easier to do, if it were disembarrassed of all question respecting the law of God. Accordingly, the Council of Trent contrived, without directly deciding that question, to satisfy or to silence the advocates on both sides.

My Lords, the noble Earl has remarked with some severity on the statutes enacted by Henry VIII.'s Parliaments to establish the Levitical prohibitions as the law of England; and he has ascribed them altogether to the varying humour of Henry, as he might wish to take this or that lady to be his Queen. Now, without wishing to set myself up as an advocate for any of his Parliaments, I must say that I think the noble Earl has, in this instance, done them much injustice. There were wise and honest legislators in those days; and the very statutes, on which the noble Earl remarks, contain proofs that Henry's passions were not the rule by which they always framed their laws, even respecting marriages. For instance, take the statutes of 25 Henry VIII., c. 22, and 28 Henry VIII., c. 7; we can well understand that it might suit Henry's views to insert into these the prohibition of marrying a brother's widow; but what interest, except the interest of justice and truth, could induce them to include, as both those statutes do include, the prohibition of marrying a wife's sister? In one very important instance, indeed, the great statute "of Precontracts," the 32 Henry VIII., c. 38, Parliament enacted what was directly contrary to Henry's policy and conduct. That statute put an end to the impediment of precontract; yet, in two instances, Henry had himself used that impediment for his own purposes—one, in the case of Anne Boleyn, whom he was not content with condemning to death for her alleged adultery, but chose to divorce, bastardising her issue, by reason of a precontract with the Lord Percy—a second, in the case of Anne of Cleves, whom he got rid of, through the disgraceful subserviency of Cranmer and others, by means of some pretence of precontract which had hardly the semblance of proof.

This statute, therefore, was certainly not dictated by Henry's passions; it proceeded from the wisdom of his counsellors; and I must say, it was a very important step in our Reformation. [Lord CAMPBELL: Hear!]

My Lords, we have heard from the noble Earl a warm panegyric on the distinguished persons who were Her Majesty's Commissioners for inquiring into the State of the Law of Marriage, and a very high commendation of the authority of their report. On this subject I must say frankly, that I never read a report more entitled to respect for the ability and high character of those who made it, nor less entitled to respect for the matters contained in it. My Lords, I do not attribute, I shall not be suspected of attributing, to those eminent men, anything like purposed unfairness or misstatement. But I cannot forbear saying, that I think their report indicates too plainly, that it was drawn up under a prepossession which made them see everything in a light the most favourable to the foregone conclusion which is embodied in this Bill.

I have already remarked on one, comparatively slight, instance of this sort. I proceed to others of a graver character. The report says—

> "We find from the evidence, that marriages of this kind are permitted, by dispensation, or otherwise, in nearly all the Continental States of Europe. Protestant States on the Continent of Europe, with the exception of some of the cantons of Switzerland, permit these marriages to be solemnised by dispensation, or licence, under ecclesiastical or civil authority."

Now, will your Lordships believe, that it appears from the evidence before these Commissioners, that in all the cantons of Switzerland, except that of Neufchatel, which is under the crown of Prussia, marriage with a wife's sister is absolutely prohibited, and no dispensation is allowed?

But this is not all. Russia, a country which we have been accustomed to consider of some account among "the continental States of Europe," is omitted in this part of the report, as unworthy of notice—its very existence is ignored, and is recognised only in a cursory way in connection with the Greek Church, in a subsequent part of the report. But Russia prohibits these marriages; and the authority of its example ought not to have been kept out of sight.

Again, there is the important instance of Prussia. That kingdom is indeed included under the general description of "Protestant States on the Continent of Europe." But when, as such, and as the chief of all those "Protestant States," its authority is claimed in favour of the objects of the Bill, it would, I think, have been well—it would have been fair—it would have been in accordance with the honourable character of the Commissioners—if they had stated what is the general law of marriage in this exemplary Protestant State. My Lords, not only is marriage with a wife's sister and a wife's niece permitted, but also marriage of an uncle with his own niece. Are your Lordships willing to follow the authority of Prussia in this instance also? Again, of another branch of marriage law in Prussia, the law of divorce, what will your Lordships think or say? Divorce may be had in Prussia, I believe in all cases, by consent—"Requests," as it is technically called. Now, it appears by the evidence appended to this report, that divorces, amounting in number to 7,800, occurred in three years. The number appears to have been of late diminished by official difficulties thrown in the way of these "Requests," not by any illiberal intrusion of stricter principles. The population of the Prussian monarchy may be computed at about the same as the population of England and Wales; it is, I believe, somewhat less. Now, just let us imagine in England and Wales 7,800 divorces taking place in three years, 2,600 in every year. Is this a state of matrimonial relations, to which we wish to bring the people for whom we have to legislate? Why, my Lords, the grave and virtuous part of the Prussian nation hang their heads with grief and shame, when they are forced to speak of these things. This is stated in the evidence, but it is deemed wholly unworthy of a place in the report. But can a country cursed with such a system of laws on the most important relation of human life—can it be fairly—ay, or honestly—adduced, as an authority on such a subject, without at least letting us know what is the general character of its own matrimonial code? My Lords, are you prepared to adopt the whole system of laws on this subject which prevails in Germany? Do not think you can stop with passing this Bill. The very advocates of the measure give you notice that you cannot. Among the letters in the appendix to this report is one, cited by the noble Earl, from my oldest friend, now no more—a Bishop, who was, in many respects, an ornament of this bench—the late Bishop of Llandaff: he tells us, while he is in favour of the proposed measure, he should prefer a general revisal of the prohibited degrees to the more partial correction its promoters had in view.

I am glad to turn to another portion of the report:—"In Ireland, the great majority of the clergy of the Established Church are represented as disapproving of these connections." Why, my Lords, the evidence states, that in one diocese they are "almost unanimous" against them; and that in another, comprising three united dioceses, there are only three clergymen in their favour. Then, as to disapproving, how do they express their disapprobation? The Irish, we well know, are a highly imaginative and ardent people, accustomed to express their sentiments, whether of disapproval or approval, pretty energetically. We might be prepared, therefore, for the possibility of something a little strong, veiled to us under the Commissioners' euphemism—"disapproving;" but, even so, your Lordships will be a little surprised to learn what were the terms actually used:—

> "As to the clergy, the proposition is, in general, not merely contrary to their reasonable and moral convictions, but most revolting to their feelings." "The attempt is unchristian, in the interpretation of God's law." "In Ireland, such marriages have been held in much greater abhorrence than in England."

So much for the disapprobation of the clergy of Ireland. The report proceeds to say, "In Scotland the opinion of the clergy is decidedly against these marriages." It is very decided, certainly; but the Scotch are not so ardent a people as the Irish, and their adverse judgment may be expected to find expression in more measured words. We will see; and, in order to see most correctly, we will take the evidence of one of the Commissioners themselves—the right hon. the Lord Advocate. He first cites the *Confession of Faith:*—

> "Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the Word, nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as those persons may live together as man and wife."

This is the law of Scotland. Now for the feelings of the people:—

> "Such a marriage generally is held by the people of Scotland in very great abhorrence."—[*Evidence Q.* 1141.]

My Lords, your Lordships will judge whether the Commissioners have fairly represented the feelings of the whole Scotch nation on this matter, as stated by their own colleague. Those feelings have been more justly regarded by the noble Earl: he has excluded Scotland altogether out of the operation of the Bill. In spite of the eloquent appeals he addressed to us respecting the law of God, the law of justice, the law of morality, which he tells us require that the existing prohibitions be removed, yet Scotland, it seems, is not a country in which those sacred considerations are to have any weight: they must be forgotten when we cross the Tweed—they are, after all, a mere question of geography.

My Lords, I turn to another part of this report, which gives me more pain and more astonishment, than any which has preceded:—

> "Some persons contend that these marriages are forbidden expressly, or inferentially, by Scripture. If this opinion be admitted, *cadit quæstio.* But it does not appear that this opinion is generally entertained."

"Some persons!" Who are they?—private, isolated individuals? Such the phrase would make us conclude them to be, and only a small number even of them. But if we turn from the report to the evidence on which it professes to be founded, we shall find that these "some persons" are public functionaries reporting to us the judgment of whole bodies of clergy in England, and more especially in Ireland—of the whole Presbyterian Establishment in Scotland—of all who own the *Confession of Faith*—of the law of England, and therefore of the State of England—lastly, of the whole Church of England, speaking in national synod, which is the Church of England by representation. The 99th canon, exhibited by these Commissioners in their appendix, but carefully kept out of their report, solemnly declares that marriages within the prohibited degrees expressed in the Table set forth by authority in the year of our Lord 1563, are prohibited by the laws of God—are incestuous and unlawful.

My Lords, the noble Earl does not assent to this. He contends that these marriages are not condemned by the law of God. I am sorry for it; I am sorry that he has deluded himself into a belief that he is more right in his judgment on this grave matter, than the Church of which he is a member. But I am still more sorry that such names as these which I see appended to the report, have assisted in deluding him. Above all, I look with grief and amazement at the first name in the list—the name of a venerable and excellent Bishop. My Lords, I am unable to account for the appearance of that name in such a document, on any ground which I can understand. I rejoice indeed to perceive, that the right rev. Prelate seems to have had very little to do in the proceedings of the Commissioners—that he was present at the examination of witnesses only twice, and that the occasions on which he was present were not among the most important. Still there is his name affixed to the report. He has thus given to that report the sanction of his high authority. Yet surely, before he did this, we had a right to expect, that, considering the solemn nature of the subject, he would have weighed well every proposition, and scrutinized every principle, which it set forth.

My Lords, I am glad to turn from so painful a subject to one scarcely indeed less painful. The noble Earl has cited, with high commendation, a sentence of the report, which, notwithstanding his commendation, I must take leave to say, is, in my judgment, most contrary to sound principle, most mischievous, most corrupting. "These marriages," says the report, and the noble Lord applauds the saying—

> "These marriages will take place—will take place when a concurrence of circumstances give rise to mutual attachment; they are not dependent on legislation." "It is not the state of the law, prohibitory or permissive, which has governed, or, as we think, ever will effectually govern them."

Why, my Lords, what is the meaning of this, but to give up the reins to the sexual passions altogether, to say that they are beyond the reach and control of any moral restraint? And this is the well-weighed counsel of grave and honourable men—the summary of their judgment, after serious and extensive research—delivered to their Sovereign, as the principle by which Her Majesty and Parliament are to direct their legislation on the most important of all the relations of social life! My Lords, it is some little relief to read a contradiction of this polluting doctrine in the very page of the report which immediately precedes it. There the Commissioners tells us, that, although in some cases these connexions will take place, "because no natural repugnance to them exists," yet

> "they are prevented, more or less, by two considerations, namely, when a belief exists that such an union is opposed to Divine law; and where there is a strong conviction that it is against the opinion of friends and of society, and a great desire to retain their good opinion."

So, then, we see by the authority of these Commissioners, that moral restraint does operate to prevent these marriages—restraint, however, which it is the practical tendency of this report altogether to remove.

But we have not merely the authority of the Commissioners for the efficacy of moral restraint in these cases, but an authority which we have sometimes found to be still better—that of their witnesses. I am unwilling to weary your Lordships with a detail of the cases of individuals; but there is one case, on this part of our subject, which I read myself with so much respect, and, I must say, so much pity for the parties, that I scruple not to refer to it in some detail. It is the case of an officer in the service of the East India Company, who tells us that he became warmly attached to his deceased wife's sister; and yet, my Lords, he was not so much the slave of his passion, as not to inquire, anxiously inquire, whether he could innocently, conscientiously, marry the object of his affections. My Lords, I grieve to read the answer of this gentleman to one of the questions put to him—

> "Of all the clerical opinions you obtained, there was none against the marriage upon scriptural grounds? — None whatever. I think a decidedly clerical opinion against it, from competent authority, would have deterred me, if backed by other competent authority—what I mean is, that were the Church"—

(he shows the importance he ascribes to the authority of the Church by printing the words in Roman capitals)—

> "were the Church unanimous in declaring such a marriage contrary to God's law, both my wife and I would have bowed to such a decision."

My Lords, I am sorry to find that this Christian gentleman had recourse to so very bad spiritual advisers. A faithful minister would have told him, that the very authority which he sought, the Church in national synod, the Church of England by representation, had solemnly pronounced the marriage which he meditated unlawful and incestuous. Had such faithful advice been given, in one instance at least, incest would have been prevented.

My Lords, I will not trouble you with other cases of individuals. But I will show from the evidence appended to the report, that even in whole nations the restraint of religious and moral considerations, when honestly suffered to have their due weight, are effectual. My Lords, in Ireland such considerations have produced a strong abhorrence of the marriages which this Bill would legalise—in Scotland a still stronger, If we look to the vast empire of Russia and to its enormous population, we see this abhorrence still growing in intensity—ay, and throughout the whole extent of the Greek Church, and of the communions which have branched from it—a reach of country scarcely less extensive than the whole of the rest of Christendom—the feeling is the same. My Lords, the noble Earl has spoken disparagingly of the Greek Church—I cannot partake of his sentiments in this respect — I regard that Church not only as a very large, but as a most venerable portion of the Church Catholic, infected indeed with errors, but with errors by no means fatal—a Church worthy of our especial attention, as conveying and attesting to us the traditional judgment formed by the whole Church of Christ on this subject before the unhappy schism which rent Christendom in twain.

My Lords—one single word more of this report. In it, the Commissioners tell us, in a passage which I have already cited, that there is "no natural repugnance to such connexions." Now what are we to understand by natural? Do they mean by the word, that which is a necessary part of the nature of man, as he is man? If so, I fully assent to their proposition. For, in this sense, I know not whether any or what connexion is contrary to man's nature. I may indeed hope, and I do hope, that the union of parent and child is so: but certainly I cannot go a step further. The union of brothers and sisters cannot be contrary to the nature of man, as man: for we know that the world was peopled originally through such unions. My Lords, I hold that the true and sound way of speaking of our nature, in connexion with such matters, is to consider it as that moral sense by which the Divine Author of nature has made man capable of having his practical convictions moulded by the working of sound law, virtuous education, above all, pure religion. This second nature it is, that we are bound to mean, when we talk, with these Commissioners, of natural repugnance to certain connexions —and this second nature ought to be formed by those very conditions, which their premises affirm and their conclusion denies.

My Lords, before I conclude, I must take some notice—it shall be but brief—of the structure and provisions of the Bill itself. That Bill is, I believe, the most extraordinary specimen of legislation ever offered to Parliament. Its object — its principle—its effect—is, to make marriages with a wife's sister or niece lawful, because they are not forbidden by the law of God. I say this, for I do not suppose it possible, that if the noble Earl really thought them contrary to the Divine Law, he would attempt to legalise them. In truth, the main argument of the noble Earl this night has been, to convince you that they are not contrary to that law. Well then, what shall we say of the 3rd Clause? It runs thus:—

> "That nothing in this Act contained shall be deemed or construed to alter or affect any Doctrine, Canon, or Law Ecclesiastical of the Church of England," &c.

What doctrine of the Church is there on the matter? The doctrine contained in the 99th Canon, that these marriages are "prohibited by the laws of God," are "incestuous and unlawful:" and this doctrine it seems is not to be in anywise affected by the Bill which would make them lawful; we are still to hold as true, that these marriages are contrary to the law of God, even while we refuse to suffer them any longer to be contrary to the law of England.

So much for doctrine. Now let us look at the canon. It enjoins that all such marriages "shall be adjudged incestuous, and, consequently, shall be dissolved as void from the beginning." The Bill, when it shall become an Act, is to be deemed and construed not in anywise to alter or affect this canon; and yet the very principle of the Bill, its one sole proclaimed end and purpose, is, that no such marriage shall "hereafter be annulled or pronounced void."

So much for "canon." Now, for "law ecclesiastical." The law ecclesiastical is, that no minister shall, under the gravest spiritual censures, solemnize any of these marriages. Nothing in the Bill is to be construed in anywise to affect this law; and yet it is provided, that, if there be any liberal clergyman bold enough to set it at defiance, he shall not be subject for so doing to any censure or punishment whatever.

But I will waste no more of your Lordships' time in dealing with such a tissue of crudities, absurdities, and contradictions.

My Lords, in conclusion, permit me to say something on the last part of the noble Earl's speech. He called on your Lordships, with great gravity and great eloquence, to ponder the considerations which he brought before you—to pause before you give your votes this night—to weigh well the awful responsibility of maintaining the present law—and, if any of you have a doubt, to give him the benefit of that doubt.

My Lords, I assent, from the bottom of my soul, to what the noble Earl has said of the awful responsibility which must attach to the vote of this night; and to those who doubt what vote to give, I, too, would venture to submit a very few words. With this view, permit me briefly to remind the House what it can do, and what it cannot do.

My Lords, this House may pass the Bill; it may prevail with the other House to join in passing it—it may procure the Royal assent to its becoming part of the law of the land. This, my Lords, this House may do, and something more; it may draw down the wrath of God upon ourselves, upon our country, upon our Queen—by daring to do—what, if the Church, of which most of your Lordships profess to be members, tells us truly, we shall do: for we shall set at nought the express law of God. Now, my Lords, while this House can do all this, there remains one thing which it cannot do—it cannot make sin to be not sin—incest to be not incest.

Refrain, therefore, I implore you, from going further with this ill-judged measure; touch not these prohibitions, which the Bill before us would remove: "if they be," as all Christendom before the Council of Trent believed them to be—as our own reformed Church, I again say, still believes them to be—" of God—ye cannot overthrow them—lest haply ye be found even to fight against God."

The BISHOP of ST. DAVID'S said, if he could have assented wholly and unreservedly to the statements either of the noble Earl or of the most rev. and right rev. Prelates who had preceded him, he might not have thought it necessary or desirable to take any part in the debate, but might have been contented with giving a silent vote according to his conviction; but he found himself in a very different position, for he was compelled to go a certain length with the noble Lord who had brought forward the measure now under discussion, though he differed from him in his practical conclusion; and on the other hand, though he agreed with the most rev. Prelate and with the right rev. Prelate who had just sat down on many points, he differed with them on one point of very great importance—indeed that on which they had laid the chiefest stress; and he, therefore, felt himself bound, in fairness to himself, and to the public, to request their Lordships' indulgence while he endeavoured briefly to explain the grounds on which he agreed and differed with those who had taken opposite sides of the question. This was the more necessary because he could not help feeling that a sort of personal appeal had been made to him, and to all those who held similar opinions with himself; and he was happy to know that he was not solitary in the opinion which he entertained on this subject—as if that opinion was not quite consistent with their public character and position in the Church. He felt it his duty emphatically to protest against such a view of their conduct, and to claim for them and for himself the privilege of differing in opinion from those who had made the laws by which the Church was governed with regard to the construction which they put upon a particular text of Scripture. This, he apprehended, was a latitude which ought not to be denied either to a layman or to a minister of the Church. He was not satisfied that the prohibition which at present existed was immediately and directly founded upon the law of God. Before explaining his reasons for so saying, he wished to make one general remark with regard to the observations of the right rev. Prelate, who had reminded their Lordships that the Holy Scriptures of the Old Testament contained three codes of law—the ceremonial law, the civil, or, as perhaps it might more properly be termed, the municipal law, and the moral law—and asked to which of these codes they would refer the ordinances contained in the 18th chapter of Leviticus. He undoubtedly concurred with the right rev. Prelate in saying that the chapter belonged to the moral law: but it did not at all follow, that every particular ordinance on this subject should possess the character of an immutable moral law. Indeed, when they considered the nature of the subject treated of in this chapter, that it described a certain scale of relations, in which it was necessary somewhere or other to draw a line of separation, it seemed evident that the drawing of such a line must be an ordinance which possessed something of a positive and conventional character. He went along with the most rev. Prelate, when he said that if an inference was to be drawn purely and entirely from that which is contained in the 18th chapter of Leviticus, down to the 16th verse inclusive, there could be no doubt but that, by the application of a parity of reasoning, we should be forced to the conclusion that the prohibition which at present exists is precisely as binding as that which is expressed in the 16th verse. No doubt, if the preceding part of the chapter had contained a distinct and express prohibition with regard to the point in question, that must have been allowed to overrule and determine the construction of the words which followed. But it must be remembered, that there was no such express prohibition. It was, after all, only a matter of inference and construction, and he could not admit that such an inference, such a construction as that, was to be placed on the same ground as an express and formal prohibition. He did not wish to speak dogmatically on the subject. He entertained the highest respect for the opinions of those who differed from him. He would only say that it did appear to him that such marriages as the Bill was intended to legalise were not prohibited, but tacitly, by implication, permitted by the words of Scripture in the 18th verse. He believed that he was acquainted with all the interpretations which had been put upon that passage, and with all the authorities which had been brought to bear upon it, at least with all those which had been brought forward during the present discussion; and his impression was, that they indicated a very strong desire to accommodate the construction of the Scriptures to a preconceived opinion, but that if such a preconceived opinion had not existed, such a construction would never have been adopted by learned and intelligent men. It was therefore impossible for him and those who agreed with him to take such high ground as that which had been taken during the present discussion in opposition to the Bill. He conceived this to be a subject on which their Lordships had a full and perfect right to legislate. This was a proposition which he would not merely admit, but would strongly assert and contend for, because while he was unable to agree with those who would give to this prohibition the force of a divine law, he must no less strongly protest against those who, because there might not exist such a divine law against these marriages, therefore conceived that the Legislature was bound to abolish every restriction which existed against them. He thought there was an interval and an intermediate space between the two views which were entertained on this question by different parties; the one considering the question as purely religious, the other as a question of mere expediency and policy. He conceived that there was an intermediate ground on which their legislation might be properly and advantageously based; from which the present restriction might be regarded on the one hand as a fence and a barrier, necessary to guard things which were purely religious, and which ought to be kept inviolably sacred, and on the other hand, might be recommended by grave considerations of policy and expediency. He begged to express his opinion that this law, which he was not less anxious to preserve than either of the right rev. Prelates, was a law of that mixed description, and he valued it the more on that account, and on that account the more he hoped and believed it would be permanent. He agreed in the remark which had been made—that only a very insignificant minority of the clergy entertained any doubt on the subject; and he thought that the opinion expressed by an immense majority of the clergy was a most important fact. Such a fact ought to have great weight on their Lordships' deliberations, not simply on account of the weight they might attach to the opinions of the clergy, either as a body or individually, but because he considered it to be impossible that the clergy, as a body, would be deeply impressed with such an opinion if it were not the feeling which prevailed throughout the great mass of the community. He believed, in spite of all that he had heard from those who protested against the present law, that it could not properly be said to be an ineffectual and inoperative law. These were merely comparative and relative terms after all. The simple question was, not whether the law was absolute, and to all intents and purposes effectual and operative, for no law was so, but whether it was so far operative and effectual as to find a response in the hearts and feelings of the community at large. His own firm conviction was, that it did find such a response; and not only so, but that the part of the community in which it found that echo was, on the whole, by far the best part, and that part whose opinion ought to have the greatest weight. He thought there were strong grounds before their Lordships — palpable, substantial grounds—for coming to that conclusion. The voice of Ireland was unanimous, or nearly so, on the subject. The voice of Scotland was, with inconsiderable exceptions, unanimous, and loud, and emphatic. And he wished to know whether, if their Lordships should think proper to select any portion of the vast community within the British islands to which to refer as a safe example of domestic morality, they could make a safer selection than from that which lay north of the Tweed? If they looked further south—if they looked across the Channel, a very different scene presented itself: they would find a state of morals and manners which he did not desire to see imitated in England; and he trusted they would not do anything tending to assimilate our institutions and our social system to that of those countries where this law did not prevail. On the contrary, it was because he was deeply impressed with the importance and necessity of preserving our institutions from the contagion of any such example, that he was most anxious no such change should take place in them. This law had been called inoperative. Now how could a law be called inoperative under which the framework of English society had grown up to its present state? It was not to be called inoperative, because there might be some thousands who, whether from ignorance, whether from misguided judgment, or from whatever cause, might have been led to transgress the law. He did not want to cast any imputation on the characters of those parties. He did not wish to deny their respectability. He sympathised with their feelings. There were cases of extreme suffering, but he could not allow them to be cases of hardship and injustice, because in every instance it appeared to him that the suffering had been brought upon the parties by their own deliberate act. Therefore, however he might privately commiserate them, he should be pushing his commiseration to an extravagant length if he consented to mould the laws and institutions of the country to their wishes. He would just advert to another topic connected with this question, and remind their Lordships that they must not consider the state of feeling represented in the petitions which had been laid on the table as altogether natural and spontaneous; on the contrary, he thought it was in a great measure factitious and artificial. He held in his hand a paper which he believed had been largely circulated, containing some reasons for assenting to the Bill—reasons, among which there was one which he was sure no Member of their Lordships' House would more heartily repudiate than the noble Earl who had charge of the Bill. He alluded to the formation of a society which had been organised for the express purpose of agitating in favour of this measure. This fact, their Lordships should observe, was not only prospective but retrospective. It threw light on the past as well as on the future. It showed not only what was intended to be done, but what had already been done. It showed by what process the public feeling had been formed, which was now represented as an argument for changing the law. Would their Lordships consent to let their legislation be influenced by such a Propaganda as that? For his own part, he declared that if he had been neutral and indifferent on other grounds, the very existence of such a society would have been with him a powerful motive for voting against the Bill. He did not wish to underrate the magnitude of the evil which the Bill was intended to remedy. But he could not shut his eyes to the fact that there was an evil, and a very great evil, on the other side. Now how were these two evils to be compared, so as to ascertain which was the greatest? He found one mode by which he could satisfy himself. One of the evils, that which the Bill was intended to remedy, was necessarily of a variable nature. It was something which admitted of increase or diminution, according to the state of society at one time or another. It might be to a great degree repressed, as it had hitherto been, by a course of consistent legislation, and the education of the public mind; and he could not be insensible to the fact, that the very agitation of this question had had the effect of multiplying these marriages. But the other class of evils to which the measure would lay us open was of an entirely different kind. It was something which must exist in every state of society —something constant, perpetual, and incurable. If there was any danger threatening domestic peace and purity from the permission of such intermarriages, certainly that was a danger which no legislation could ever prevent; it was an evil which would go on until it had effected a change in the national character and domestic relations of the people which would bring us near to the level of those Continental States, whose example, in this respect, he should wish most anxiously to shun. On these grounds he found his course to be perfectly clear. He was quite sure that the measure of the noble Earl, if carried, although it might afford gratification to a number of individuals who had been led into ill-advised courses, would bring distrust and jealousy and alarm and disturbance into thousands of other families, which had hitherto remained pure and happy. He would not presume to entreat or to plead with their Lordships, but would only say that for his own part he could never consent to share the responsibility of passing such a measure as that proposed by the noble Earl.

The BISHOP of NORWICH: My Lords, as I intend to give my vote against the Bill, I feel it to be the more due to the noble Earl who has introduced it, and to the other promoters of it, to state, that I do not share in one class of objections against it, entertained by most of my right rev. Brethren, and by many of your Lordships besides. I do not regard the measure as infringing on any direct scriptural command or precept. Granting that the Scriptures of the Old Testament, as well as of the New, are binding on us Christians wherever they reveal to us the Divine will concerning anything that is morally, intrinsically, and unchangeably right or wrong, I cannot bring myself to understand even the passages from the Old Testament, which have come under discussion to-night, as prohibiting the marriage of a man with his deceased wife's sister, and so constituting such marriages offences against the moral law of God. It would be very distasteful to me to make your Lordships' House a school for biblical criticism or theological disquisition, and I certainly do not purpose doing this. But there are some facts bearing on the question, to which I will venture to call the attention of your Lordships, because they are patent and palpable, and require no biblical or theological learning to appreciate them. The Scriptures, which are alleged to contain the prohibition, are, as we all know, part of a divine law which was originally given to the Israelitish people. Now it is remarkable that, from the first of that law being given, to the present day, so far as can be ascertained, the Israelites have never so understood these Scriptures. The learned Rabbi, Dr. Adler, in his evidence before the Commission, ignored such an interpretation. His words are—

> "It is not only not considered as prohibited, but it is distinctly understood to be permitted; and on this point, neither the Divine law, nor the Rabbis, nor historical Judaism, leave room for the least doubt.'

Traditional interpretation of Scripture is not ordinarily to be relied on; but this, I do contend, is just the case in which its weight and authority are irresistible. It is not the interpretation of a passage teaching some abstract truth, or of a prophecy the meaning of which was involved in the obscure future; but it is the interpretation of a Scripture which, from the nature of the subject, must have come at once into practical application, and must have had that practical application kept up, continued, and perpetuated, through all generations of a people proverbially scrupulous about their usages. I would not trust to a Jew for the meaning of a doctrinal Scripture, or for the interpretation of a prophetic Scripture; but the presumption in favour of his rightly interpreting a Scripture direction respecting marriage customs is such as would require some very strong internal evidence to overthrow it. Does any such exist? My Lords, you have been reminded by the noble Earl, most justly, that this same portion of Scripture, the Levitical law, contains also a command—no one disputes this—a command to the Israelites to contract marriages, under certain circumstances, in violation of the principle on which the prohibition, or supposed prohibition, is founded. Is it conceivable that the same divine enactment should have contained such an inconsistency? Recollect, this was not legislating respecting a ceremony, or any matter of positive precept, but on a subject of moral purity and moral principle. On such a subject, immutable in its nature, it is inconceivable that a divine law should even permit in one of its provisions that which it has prohibited in another, much less that it should enjoin it as a duty. And if to escape from imputing moral inconsistency to Scripture, it is contended, that the law on this subject was a portion of the civil not the moral law, in that case what have we to do with it? That which confessedly did form the subject of a divine commandment—restricted no doubt to special circumstances—the case of a woman marrying the brother of her deceased husband, was brought under the notice of One for whom we claim an authority above that of Scripture itself, and he did not condemn it, did not so much as say that it was permitted for the hardness of the people's hearts. I cannot, therefore, concur in the scriptural objections to this measure. In one point of view, Scripture may, no doubt, be said to be opposed to it. The principles of Scripture are opposed to whatever has a tendency to produce immorality, or to lower the tone of morality; and if these marriages, in the existing state of society amongst us, have such a tendency, as I myself am disposed to think they have, Scripture is so far against them; but there is no direct scriptural precept or command which forbids them.

Setting aside, then, this class of objections, I do see others, and very grave ones, which will, I trust, induce your Lordships to reject the Bill. We should recollect, that we are not now, for the first time, called on to legislate respecting such marriages. Were it so, it might be fairly questioned whether we should legislate at all. Not legislating, then, would imply, that the Legislature did not consider legal interference suitable to the case, and declined expressing any judgment on it. But, after so many years of stringent legislation, after habituating the nation at large to look on these marriages with reprobation and abhorrence, to rescind the law—not merely to modify but to reverse previous legislation—this would have the effect of giving a positive and august sanction to these marriages. And mark the operation of a measure so understood. I am desirous of speaking with great respect (for I really entertain it) of the religious and moral character of those who are urging on this measure; but I am still bound to say, that it is a measure which would offend and shock the sacred feelings of nearly the whole of what are called the religious world. My Lords, you should pause before you venture to do this; and especially, when you reflect, that previous legislation has tended, and was designed to create, and foster, and confirm the feelings which are now arrayed against a reversal of the law. And on what ground would you be doing this? Because certain individuals complain that the existing statute presses on them severely and injuriously. For every one to whom this measure could bring relief, a thousand would be injured by the shock which it would give to their most sacred notions and impressions.

But there is one point of view in which the objectionable character of the Bill presents itself to my mind more strongly and cogently yet. I do feel that we here are hardly competent judges of the question. It is essentially a woman's question. If we ask what portion of the community will be most deeply affected by our decision this night, and are most anxiously and tremblingly awaiting that decision, it is the women of England. And ninety-nine out of every hundred of them are not only opposed to the Bill, but regard the possibility of its success with disgust and dismay. They tell us—and on such a subject we are bound to listen to them—that if the existing law is repealed, according to the tone of opinion and feeling which prevails amongst them, and exercises a paramount influence over them, all that free, familiar brotherly and sisterly intercourse between the husband and the wife's sister—all the happiness which results from it—is at an end. They tell us, that when death removes the married sister, the unmarried sister cannot, as now, make the bereaved home hers, and take charge of the motherless children. They implore you not to take a step which will disturb some of the happiest relations of domestic life, to an extent which you may not be able to comprehend. Some of your Lordships may ridicule this scrupulous sensitiveness—may call it fastidious, mawkish; but, think of it as we may, we are bound to deal with it as an important fact. And whatever may be our estimate of feelings such as these, we should not forget that they form part of that fine tissue of moral sensibilities which make the English female character what it is, and render the homes of England the abodes of a moral purity, and a domestic sanctity, which are amongst the choicest blessings for which we ought to be thankful to God. I, my Lords, will be no party to a measure which is to distress and outrage feelings which exercise so blessed an influence on the happiness and well-being of English society.

At the same time, I am ready to admit that the existing law does press unfairly on some portions of the community. It does seem hard, and savours of religious intolerance, that we should put an interpretation on the marriage law of the Jews contrary to theirs, and compel them to abide by it. If the noble Earl had based his measure on the broad principle of religious toleration—if he had claimed exemption for the Jews, and for any other body of religionists besides them who may complain of the law as opposed to their religious tenets, I should not have been indisposed to support the Bill. But I cannot concur in a measure which is calculated to relieve a very few comparatively at the cost of the great mass of the community.

Viscount GAGE: My Lords, it is never without the greatest reluctance that I venture to intrude myself upon your Lordships' notice, but I do so now with even more than ordinary reluctance, as I feel that I am, as it were, going out of my way to oppose many who have peculiar claims upon my respect, inasmuch as I must give them credit for imagining, however erroneously, that they are compelled by conscience and religion to resist the passing of this measure. And God forbid that I should appear as its advocate, could I entertain the slightest shadow of a doubt as to the utter fallacy of their notions upon this subject, whether in its spiritual or its temporal bearings!

My Lords, I take my stand at once upon one of the simplest axioms of rational freedom when I say that any law which restrains a man in the exercise of an important natural right, by the deprivation of which his prosperity or happiness may be seriously affected, stands *ipso facto* as a tyrannical law, from which imputation it can only be relieved by proof shown to, and admitted by, the sustaining Legislature, either that the restriction complained of is a Divine command, or that it is necessary, or that is so highly and so indisputably expedient as to justify the injustice done to individuals, by a greater amount of good to a greater number of individuals or to society in general.

My Lords, here is a law which is thus arraigned. The first plea in its favour is Divine command. Under this pretence it was imposed; under this idea it has been acquiesced in; and under this pretence it is even now still sought by some to be maintained. My Lords, among other reasons for thinking that the authority of Scripture is not applicable to the present case; I must observe that the Septuagint and the Vulgate do not afford even the little obscurity contained in the term "uncover nakedness." *Revelare turpitudinem*, is the phrase used in the latter, *turpitudinem ejus non revelabis.* And the Greek is similar. Your Lordships can judge, therefore, how much foundation there is for the supposition, especially as the lawgiver is not very delicate in expressing his meaning upon several subjects, which will be seen by reference to the 20th, 22nd, and 23rd verses of the 18th chapter of Leviticus. Should it be attempted to draw any support from the hidden source of Hebrew, I meet it once by the evidence of the Chief Rabbi, who tells your Lordships that these marriages, far from being forbidden by the Jewish Church, are rather considered as desirable. And it would be hard, indeed, if the Jews did not know their own law in its positive enactments, even in their original Hebrew interpretation. For, however little they may now know of their ancient language, tradition would at least have instructed them in the fact of the existence of such prohibitions; and the Talmud is anything but a relaxation of the ancient law.

But then it is said that for 1500 years the Church has condemned these marriages, and canons have existed against them. Now I say, that this may be very well for those who maintain the absolute infallibility of a dominant Church at all times, and in all cases; but it is scarcely an argument for your Lordships, who for the most part only allow to the purest, most honest, and most learned Church that has ever yet existed, what alone that Church professes to claim, such authority as it can clearly prove from Scripture. If, therefore, the founders of our Church have incautiously adopted a canon prohibiting that which of its own mere authority it had no right to prohibit, and which Scripture does not warrant it in prohibiting, now that the evil has become apparent, it is surely time for that Church to rescind such canon, and to cease opposition to the repeal of any secular law founded upon it. Why, my Lords, what is the respect that the enacting Church has itself paid to its own canon upon marriage? For a certain fee it granted dispensation in all such cases, and even in cases of blood-relationship, which it had as authoritatively and much more wisely forbidden. The pretended law of God was to be compounded for a fee to His Church—not a fine as penance for having broken, but a fee for permission to break the law. And yet our reformed Church, without any dispensing power, has retained the most useless, and because most useless, the most unjust, of those restrictions.

Why, my Lords, the Roman Catholics are themselves setting the example of liberality in this case. They do not, like certain of their most vehement opponents, who have almost equal powers of annoyance, ask for a law to visit the sins of the parents upon the children, but they trust to the power of their own discipline to restrain the parents.

My Lords, an impression, which appears to me to be very erroneous, seems to exist in men's minds upon theological and Church subjects, namely, that we are now, and have been from the beginning, in a state of progressive deterioration as regards religious knowledge, and that opinions become more and more valuable as they recede backwards. Now, it stands to reason that the fact must be, *cœteris paribus*, the reverse. The Apostles, indeed, had supernatural powers conferred upon them, which enabled them with certainty to decide upon any matter brought before them; but these not having been continued to their successors, the character of each successive age influenced churchmen as well as others; and it soon came to be, that religious truth was decided by physical force; the strongest was the orthodox Church, and all others heretics. Persecution for opinion soon followed in natural course, and has continued, though under gradual mitigations, to the present day, when, however the disposition may linger in obscure quarters, the Christian world may at least be said to know better. The true spirit of Christianity, or I should perhaps say a much truer spirit, is at least recognised. Why, then, are those who recognise it to bow to those who could not—the seeing to the blind? Why are we to remain saddled by the consequences of the superstitions of those who thought that terror could work real conversion—that sin could be bought off with money—and that useless, uncalled-for, unwarranted asceticism was a charm to win heaven? Your Lordships will remember that the sexual has ever been a favourite form of asceticism amongst devotees even long anterior to Christianity—that it was looked upon as a sort of supernatural virtue indicating special holiness—and you will remember how these notions, for which Scripture gives no warrant, were parodied in the Christianity of the middle ages, when public and private vows of celibacy and chastity were encouraged by the Church, first enjoined, then enforced, upon the clergy, and marriage itself treated rather as if it were a compromise with evil—rather as an evil to be tolerated by necessity, than a command of the God of nature, to be encouraged. And, my Lords, that this cloud hung partially upon the minds of religionists, even at the Reformation, you may plainly discern in the marriage ceremony of our own vaunted Liturgy. This so widely prevalent superstition may well account for the introduction of such canons into the early Church, and even for their intrusion into our own, but forms no reason whatever for keeping them, now that they are become inconvenient, and that the falsity of their origin is exposed.

My Lords, I am not one of those who would argue, in a case of this kind which has reference to general human nature, that the book of Leviticus is nothing to us, as I might, and should, in a matter of mere form or ceremony; were it, for instance, some Jewish question of second marriage, or marriage with a widow of a dignitary of the Church. But the book of Leviticus and the whole Scripture is silent upon the subject; and the representatives of those to whom Leviticus was specially addressed know of no such prohibitions as are contained in our canon; their traditions tell of none having ever existed. I think, then, that we may consider this objection as disposed of.

We now come, my Lords, to the theory of restrictions upon marriage. No one, however superficially acquainted with the natural history of the generation of animals, can be at a loss to perceive, and at once approve, the reasons of the prohibitions, whatever their origin, against the intermarriage of near blood relations. Yet, in this our canon is an enormous relaxation —a relaxation greater even than any naturalist could abstractedly approve. For, take a strong case—let two brothers, as often happens, marry two sisters, the children of these marriages may intermarry without offence to the Church, or the law, in spite of the double kin of blood. And yet, while it is sought rigidly to maintain the restriction upon the cases before us, where no blood relationship at all is concerned, should any zealous restrictionest propose to re-enact the ancient canon, even only so far as such double first cousinship, how would such a proposition be received in this day? Is there a bishop on the bench who would dare to support it? Yet here is blood, here is reason. But affinity is a very different thing, and any restrictions regarding it must stand at least upon very different grounds.

My Lords, I do not, neither do I supposed that any one endowed with the commonest sense of propriety could, object to certain restrictions in the class of affinity. Unquestionably, in certain cases, restriction is desirable. But, then, these are cases of such monstrous misalliance as must, of necessity, shock the whole community, and which, probably, neither madness nor money would cause to be attempted once in a century. But the cases before your Lordships are not of this nature; they are not misalliances at all. For instance, let two families, B. and C., stand towards each other in unquestioned marriageable position, A. of family B., wishing to ally himself with family C., may do so with exactly equal propriety, through any one of the daughters D., E., F. of that family; one is as unobjectionable as another. Then, how can his making choice of D. render E. or F. objectionable? "Oh, they are become his sisters!" you may say. You may say so, certainly; but how are they become his sisters more than before? He has made no vows to them—they have made no vows to him. They have stood towards each other in no new position beyond that of the greater intimacy or estrangement which the circumstances of the marriage may have induced. The sisterhood is nothing but a mere legal fiction; and yet for such mere legal fiction, you deprive A. of a most important natural right—one, perhaps, most seriously affecting his happiness and the well-being of his children, the right, namely, of supplying, should it so seem good to him, the premature loss of his wife by one whose real character he has probably had unusual means of ascertaining, and whose natural attractions may be presumed to be far more congenial to him than those of any other woman, from innate similarity to his late wife. This is the case often to a degree, when acting upon a mind shaken by morbid grief, which renders the law cruel indeed to the widower, and deprives the children of the most desirable of stepmothers.

And now, my Lords, what pretence has this law to remain on your Statute-books? How can its advocates justify the depriving of any man of so dear, so sacred a right, one so intimately affecting his happiness, as the choice of a wife? Where is the necessity, where even the expediency, that can justify it? The evidence of your own Commission shows evils without number attendant upon this law. What is the good of it? "Oh," say some of its advocates, "consider what injury you will be inflicting upon widowers and their children, by depriving them of the society and care of the sister and aunt, who, now that she can never be legally married to her sister's widower, does not scruple to live with him, and be as a mother to his children; whereas, you know, could they marry, this could never be." I know no such thing, but rather the contrary, for I know a case where the sister is thus living unmarried, and, without imputation of immorality, is looked down upon for thus living unmarried. My Lords, the merit of this argument (for merit I must not deny to it) consists in the very extraordinary boldness of the assumption, and the desperate ingenuity of its *tu quoque* upon us. According to them, then, it seems that all is perfectly well, and every proper person contented as it is; whereas, by relaxing the restrictions, we should be depriving widowers and orphans of a resource which they now possess—a boon bestowed merely by the restrictive law. My Lords, a very few moments' consideration must, I should think, be sufficient to send this notion to *limbo*, in search of its sister-in-law, the Levitical prohibition.

My Lords, there never was a time when such marriages did not occasionally take place, or when what is technically termed "doing worse," did not also occasionally take place. So much for this maudlin, supposititious delicacy, with which the advocates of the present restriction have been attempting to get up a cry among the ladies. As to the very law, too, it, in its present harshness, is not so very old. Have sisters-in-law only lived with, and rendered themselves useful to, their brothers-in-law and their children, since the period when the marriages in question were rendered by Act of Parliament *ab initio* null and void? Did they never do their duty when such marriages were only voidable? when they might marry, though the marriage might not in all results be quite safe from the cupidity of relatives? I speak, now, of the upper classes. But in middle and lower life, no such impossibility of marrying a deceased wife's sister, or niece, has ever been generally recognised or thought of; and yet amongst them, more than in the upper ranks of life, do sisters-in-law act the good part assigned to them.

My Lords, as to presuming to assert that in no case, in no individual instance, any such inconvenience as that alluded to, could take place; of course, that would be absurd, even if it depended upon individual whim and caprice, unexcited by party cry. But I think I might venture to predict, that such instances will be very rare, after the excitement of the struggle has a little subsided. For women have been most cunningly excited upon the subject through their constitutional jealousy; and herein, I think, the agitators may find that they have much to answer for, whether the Bill pass or not, as they have sown seeds of evil which they cannot so easily eradicate. Women have been talked to at one time as if this Bill were to enable a man to marry his wife's sister during her life; at another, as if it were to compel him to do so after her death, and as if that were to be specially hastened for the purpose: in all cases carefully leaving out of view the probability or possibility of any other second marriage, than with the sister. Now, if you will inquire into the matter, I think you will find that the objection of the ladies is, in reality, to the idea of second marriage at all; naturally enough, they cannot bear the idea of being superseded. In other instances, their sensibility has been alarmed by the authoritative "of course no woman could think of remaining in the house of a widower, if it were possible he could marry her;" the cunning dictator calculating well that the simple question, "Why not?" which would break his talisamn is just what his fair pupil would least think of asking, or would fancy she dared not ask, if it should occur to her. And it is in this sort of case, and in the upper or richer ranks of life, where the inconvenience would be least felt, and the secession more easily supplied, would nine out of ten of such instances (if indeed so many ever did occur) happen. Your Lordships know that in your own sphere it would not, even under the present law, be reckoned quite *comme il faut* for a young sister-in-law to live alone with, or with only very young children, with a young brother-in-law, under this pretence of sisterhood, merely because they could not legally marry; yet this is held out to you as a good that must be barred by the repeal of the law. In the ranks below you, indeed, necessity may sometimes compel this, and want of refinement may tolerate an undue familiarity, under pretence of sisterhood, which you would not tolerate. But over such things you have no control; and if this measure should have the effect of restraining such undue familiarity, no harm will be done. It neither compels the proposal of the man, nor the acceptance of the woman. She is still the deceased wife's sister, and aunt to her children. And this is the obvious answer to any question regarding her position; it is all she ever needed—all, probably, that either she or the widower thought of, or might have thought of, had it not been put into their heads by officious zealots.

And yet, my Lords, this objection is not so utterly void of foundation as was the former, for there will be an inconvenience, a factitious one, and I will tell your Lordships what it is. What would a woman fear? Not a proposal which she might decline if she pleased, and which if she had reason to expect, and did not intend to accept, she would not even now, if a woman of any delicacy, expose herself to. But what a woman would fear is the imputation *d'autrai*, that such was the motive of her charity to the widower and orphans. The law is a certain degree of defence to her in this, which, being removed, she must defend herself as she can. But this is only an example of all the rest of the objections, which are a magnifying and giving preference to the weaknesses and less amiable qualities of the sex, over those holy and magnanimous virtues which, God be praised, preponderate so greatly, not only among our own favoured and educated countrywomen, but which are innate in the very soul of that most unselfish, most noble, and chivalrous refiner of our nature—woman! Should not the fact, were it even a solitary instance, of one dying mother having implored the father of her children to supply her place with her sister, outweigh a thousand-fold all the gratuitous grovelling suppositions of misery to be caused by unfounded and visionary jealousy, of which we have heard so much from those who would arrogate to themselves the protectorship of woman, while from want of sufficient nobility of mind to grasp her real nature, they are only the libellers of the sex?

But really, my Lords, this is, after all, mere trifling. Let the inconvenience threatened be tenfold what it is possible for it to be, look at the evidence before you, and you will find it overborne, out and out, on the side of repeal. For you must not forget that where this question concerns your class of life to the value of a grain, it concerns those below you a pound. A man who can command the services of others may contrive to live without wife or female relative, but a poor man cannot, especially if he has children to look after; and you know, or ought to know very well, that in cases where juxtaposition between people of opposite sexes is thus effected, it is much safer that they should be able to marry, if they wish it, than not. Look, I say, at the evidence, and then tell me whether this law has proved that safeguard to morality and virtue which its supporters would represent it to have been. Instead of a safeguard it has proved a betrayer.

My Lords, here is a grievance felt by many individuals, and not only by individuals but by societies, and acknowledged by many of those who from their position (for I speak of clergymen) would naturally of all others uphold the law as it stands. But they cannot resist facts and the evidence of their own senses, and they urge upon you the change for the benefit of their cures. We have also petitions extensively signed by firms of solicitors and also by medical men; and when it is considered how much these two classes are connected with the interior of families, it can scarcely fail to strike your Lordships as a circumstance of some importance, that they should have combined to come forward and testify to you how deeply the grievance of this law is felt. I do therefore implore the heads of the Church to consider these things, and not wantonly, and for a mere fiction, to perpetuate so great an evil. They must see that they cannot, even were it ever so desirable, render the law effectual; for men will not, in spite of all they can say or do, recognise as a truth the fiction which calls their wives' sisters their own; they feel that is not so, and will resist a law which they hold to be uselessly tyrannical. My Lords, how is such a law to be enforced? Alas, the consequences fall not upon those who brave it, but upon their innocent offspring; and when these shall meet the punishment of the imputed sin of their parents, will they recognise its justice, will they humbly kiss the rod, and range themselves as supporters of a Church which has doomed them to ignominy and confiscation? Will they not inquire into the reasons and causes of their doom? And will what they may discover, and their reverence for an Establishment which is even now pressed by unscrupulous assailants, ready and eager to take up any cause, to hit any blot, to whom a grievance is a prize? Can it then be for the good of the authority of the Church itself to insist upon upholding a law which it cannot hope to defend as divine, which it cannot directly enforce, but which in its operation entails the misery of privation upon those who are restrained by it, and the misery of illegitimacy and deprivation upon the children of those who infringe it, and who will therefore be born each child a natural enemy of the Church of England, as a victim of its adhesiveness to injustice—an injustice rendered even the more galling by the spectacle of other nations with institutions and churches far less liberal, where the law that dooms them here has been relaxed, not only without detriment, or bringing on the evils so harshly predicted by the opponents of this measure of relief, but with the happiest results?

LORD CAMPBELL said, that having the honour to hold so high an office in the magistracy, he thought it his duty to express his opinion upon this Bill, which sought so importantly, and he thought so fatally, to change the law of England. The arguments on both sides—so much had been said and written upon the subject—were familiar to their Lordships; and those against the Bill had been reiterated by the right rev. Prelates who had preceded him in a manner which must make a deep impression upon their Lordships, and upon the mind of the nation. He had listened with delight to the opinions which he had heard that night, and he trusted that the agitation which the noble Viscount who last addressed the House complained of was drawing to a close. He was desirous of expressing his approbation of the manner in which the measure had been introduced by the noble Earl who had shown great research, great learning and great acuteness. No doubt he was actuated by the purest and most honourable motives, as were others entertaining the same sentiments in either House of Parliament. So were many of the petitioners in favour of this measure. But he should not be doing his duty unless he reminded their Lordships of the manner in which this agitation was begun and carried on. They had had agitations upon the Reform Bill, upon the repeal of the corn laws, and upon other great political measures; but he believed this was the first time that societies had been instituted for the purpose of changing a law resembling that of marriage, and where, purely for the purpose of personal interest, a great effort had been made to influence public opinion. He could not help saying, from the evidence that had been laid before him, that this agitation was begun by those who had violated the law, and that it had been carried on by them in conjunction with those who had entered into engagements which the law forbade. Let us see the manner in which it was conducted. They began by retaining counsel, by retaining solicitors, by sending lecturers over the country; by writing pamphlets, and by holding public meetings, at which their advocates spoke from the platform. And what was the topic with which they begun? That as the law then stood, these marriages of a man with the sister of his deceased wife were perfectly legal. And it was by having taught to the people of this country that these marriages were lawful that they had occasioned in many instances the law to be broken, and then they brought forward those breaches of the law as arguments in favour of now altering the law of marriage. Although, as had been said, from the time when, in the second century, Christianity was first planted in this country to the present, such marriages had been prohibited, yet it was asserted positively that they were perfectly lawful. Now this subject had been solemnly argued in the Court of Queen's Bench, before his distinguished predecessor, Lord Denman. The question arose whether such a marriage was lawful or was void; and by the unanimous judgment of the whole Court of Queen's Bench, they were declared to be void and incestuous. Some allusion had been made to an opinion which was expressed by a learned Judge, when he was at the bar, for whom he (Lord Campbell) entertained a profound respect as well as affection. Now, his opinion as a Judge was not in the slightest degree to be impaired, because, in the haste of his profession, without having the case argued before him, or probably without having had time to consider the question, he at the bar gave a contrary opinion. On the contrary, the fact only added to the weight which attached to his opinion as a Judge, which he gave after having heard the question solemnly argued before him by counsel on both sides. It was then proposed to appeal to that House; but so convincing were the reasons given by the Judges, that such a step was never ventured upon, and it had been from that moment allowed that the law forbade such marriages, and that therefore they could not be lawfully solemnised. Now, what was the next proceeding? They said, then, that the law prohibiting these marriages had been introduced by Lord Lyndhurst's Act; that Lord Lyndhurst's Act, which introduced the illegality of these marriages, ought to be repealed; and there had been repeated petitions presented to their Lordships asking them to repeal Lord Lyndhurst's Act, which rendered these marriages unlawful. The agitators went about the country asserting in the most positive terms, that until Lord Lyndhurst's Bill passed, these marriages were sanctioned by the law of England. Now, the fact was, that Lord Lyndhurst's Act had made no alteration in the law; it had only altered the mode of procedure by which these unlawful marriages were to be set aside. There had been previously a great defect in the law of England on this point. Marriages, however censurable on the ground of incest, were not void. Even if a man married his own sister or his mother, he (Lord Campbell) was ashamed to say, that that was not a void marriage; it stood good until it had been set aside by the decrees of a competent Judge. Lord Lyndhurst's Act properly provided that those marriages which heretofore had only been voidable should be void, as they had been before the Reformation, and as they were in Scotland at this time. Lord Lyndhurst introduced no new law, but only improved the mode of procedure, the manner in which the law was to be in future enforced. He (Lord Campbell) thought their ancestors had acted with great wisdom when they separated from the Church of Rome. As had been stated by the right rev. Prelate who sat near him, there was nothing in which the Church of Rome more annoyed the people of this country than in its usurpation of the power of disturbing the laws of marriage. With respect to the unlawfulness of marriage, they multiplied the prohibited degrees to such an extent, that among the upper ranks of society few matches could be made without a dispensation from Rome; and they thus added to the power and the wealth of their Church. At the Reformation, however, the people of this country drew a distinct line of demarcation, indicating clearly the prohibited degrees, and all marriages within that line were regarded as unlawful, and all beyond it as lawful. Notwithstanding some quotations cited from law books by the noble Earl (Earl St. Germans) the rule then settled had been considered the law of England from the time of Henry VIII. to the present day. There was an attempt made in the reign of Charles II. to introduce a new law to allow the marriage of a man with his wife's sister, but it failed; and Lord Chief Justice Vaughan, and all the Judges at that time, concurred in the opinion that, according to the just construction of the 32nd of Henry VIII., such a marriage was forbidden. The law continued so until Lord Lyndhurst's Act; and he trusted their Lordships would not alter it. If their Lordships said so by a large majority, the agitation would soon die away. Upon the scriptural question it would not become him to give any decided opinion, although he must say, that according to the rules of construction applied to human laws, he was inclined to agree with the most rev. Prelate who had spoken, and that of the right rev. Prelate who followed. But if Scripture were silent on the subject, he had no difficulty whatever in saying that the marriage of a man with the sister of his deceased wife ought to be forbidden by the law of the land. The noble Viscount who last addressed their Lordships seemed to him (Lord Campbell) to treat the subject as if it were merely one of a physical nature—

Lord GAGE explained that he had said he saw reasons for prohibition between very near blood relations.

Lord CAMPBELL continued: In common society, at all events, when one conversed with those who approved this measure, one could not fail to be struck by hearing the argument used that there was nothing unnatural in it. But this was not a mere physical question: it was a moral question; it was a social question; they were to consider what was to promote the purity, ease, and comfort of domestic life. Did the noble Viscount say he would merely look to consanguinity?

Lord GAGE: Very nearly.

Lord CAMPBELL: Would the noble Viscount contend that a stepfather might marry his stepdaughter, or that a stepson might marry his stepmother? Would that lead to the comfort and to the purity of domestic life?

Lord GAGE: No! certainly not.

Lord CAMPBELL: Then the noble Viscount would regard affinity. Where was the line to be drawn, if not by taking consanguinity and affinity on the same footing? The argument of the right rev. Prelate (the Bishop of Exeter) was unanswerable, that man and wife were one flesh, and that by the declaration of the Redeemer the relations of the one were to be considered as relations of the other. If they adopted that line, there would be no difficulty in enforcing it, and the noble Viscount had not suggested any other as possible. They would perceive at once that if there was no distinction between the sister of the wife and any stranger, and adulterous intercourse took place between the husband and the sister during the life of the wife, it would be simply adultery. On what ground would they allow a remedy to the wife for the adultery of the husband in such a case? A remedy was now to be obtained by the wife, for this reason, and for this reason alone, that adultery with a wife's sister was incestuous—that the purposes of marriage were defeated, and on that ground that the marriage ought to be annulled. Upon a case of this description Lord Thurlow had said—

> "The wife cannot forgive the adultery and return to her husband without being herself guilty of incest. Had this criminal intercourse taken place before marriage, the ecclesiastical court would have set aside the marriage as incestuous and void. The wife could never live with her husband; and, if innocent, was she to be condemned for his crime to spend the rest of her days in the unheard-of situation of being neither virgin, wife, nor mother."

He (Lord Campbell) thought it hardly necessary to touch on the argument which was used with respect to the benefit to be derived by the children of the deceased wife from the fact of the sister becoming their stepmother. It had been already shown that, in a great majority of instances, the children must be sufferers, because in a great majority of instances they would be deprived of the tender care of an aunt, which they now enjoyed. Legalise marriage between the widower and the deceased wife's sister, and the children must be deprived of the care and attention of that near relation, because, from this time forth it would be utterly impossible for the sister of the deceased wife to remain under the same roof with the widower. With regard to the argument which had been used by the noble Viscount, that they would not introduce a law to forbid all marriages that were inexpedient, he (Lord Campbell) allowed that such a law would be absurd—it would be absurd to bring in a Bill to prevent marriage between a man of 75 and a girl of 16; but was it not quite clear that there was a great difference between marriages which were expedient, and marriages which were incestuous? Could they have the benefit of purity of domestic life unless that connexion was looked upon with abhorrence, as contrary to the law of God and the law of man? It was only by such a feeling being instilled into the mind, until it became a sort of instinct in all who came within its operation, that they could have the full benefit of that purity, peace, and happiness of domestic life which they now enjoyed. With regard to the violation of the law, he (Lord Campbell) believed there had been monstrous exaggeration as to the actual number of cases, but there was another source of that violation which also required notice. He observed that the returns were made from Lancashire and Staffordshire, where there were a considerable number of Roman Catholics. When the then Bishop of Melipotamus (now rejoicing in a more sounding title) was examined before the Committee, as to what were the practices of the Church of Rome, he said they were certainly much less strict than in the Anglican Church; and he stated in the most express manner, that since the Act of 1835 had passed, making these marriages void, although among Roman Catholics they could not be celebrated without dispensation, he had continued to grant dispensations for them, and after a dispensation was granted, no Roman Catholic priest could refuse to celebrate the marriage. The law of the land was here distinctly set aside, and those marriages encouraged in direct violation of it. With regard to these marriages, which he (Lord Campbell) called incestuous, he had been assured in the most positive manner, by those who had the best means of information, that they were not more numerous than instances of bigamy, an offence which he knew from experience, both as counsel and Judge, was exceedingly common in every county in England. Not an assize was held scarcely without there being a trial for bigamy. It might, with as much reason, be contended that this was a ground for making polygamy legal—that all that had been done to bind one man to one woman was ineffectual, contrary to the propensities of mankind, and, therefore, that polygamy should be legalised. If the ground of consanguinity was to be the only ground of prohibition, they might go on from permitting marriage between a man and his deceased wife's sister, to an extent fearful to contemplate. In some foreign lands such marriages were permitted; but he hoped that though we might avail ourselves of the discoveries of science in other countries, we might, with regard to morality and domestic life, teach all the nations of the world. In no other country was the conjugal tie held with such sacredness as in England. In other countries they allowed marriages between an uncle and a niece; but he hoped that in England they might still (though how long it would be so he knew not) look upon such marriages with abhorrence. In all those countries—Germany for instance—marriage was set aside on the most frivolous pretences. In America, too, they allowed a dissolution of marriage in cases in which in this country we would not for a moment think of doing so. We acted upon the sacred injunction that it was for adultery alone marriages were to be dissolved; by a departure from the sacred precept the sanctity of the marriage tie had been impaired, and he hoped they would never seek in Berlin or New Orleans for examples to follow in domestic life. The preamble of the Bill most disingenuously recited, that it had been lately decided that these marriages were unlawful; but the fact was, that when it was so decided Lord Denman expressed his opinion that, by the 32nd Henry VIII., such marriages were prohibited, and were unlawful. Scotland was excluded from the operation of this Act. And why? Because it was utterly impossible to include Scotland. The people of that country, with hardly a single exception, looked upon such unions, to use the language of the right rev. Prelate, with abhorrence; and they would have just ground to complain, because such marriages were declared by the *Confession of Faith* contrary to God's law; and the *Confession of Faith* had been made part of the law of Scotland by an Act of Parliament which was still in force. But was not the omission of Scotland fatal to the Bill? In Scotland these marriages would be void; in England they would be valid. They might just as well make one law for Middlesex, and another for Surrey; and the confession of the noble Earl that he could not extend that measure to the whole island, was reason enough for its rejection. The Bill proposed to enact that henceforth a marriage between a man and the niece of his wife should be lawful. What were the arguments in favour of the niece being allowed to become the wife of her uncle by marriage? Was she to take care of the children? Would the dying wife recommend her husband to marry her niece? Did nieces, too, make the best stepmothers? These were the most plausible arguments that had been brought forward in favour of this Bill, but none of them applied to the niece. The niece here became the wife of the uncle; but why not extend the same principle, and say that the wife might marry her brother-in-law? It was one of the melancholy facts that, if passed, this would not be a final Bill. Jealousy and alarm would be introduced into every family in England. The noble Viscount had truly stated that the female sex were already very much alarmed. If they took the whole of the female population, he believed 99 out of every 100 would petition their Lordships that the Bill should never be allowed to pass; and he attributed this feeling not to any agitation which had been got up, but to the natural delicacy of the female sex, and their intuitive perception of what was just, right, and becoming. These marriages had been contracted in open violation of the law, and the parties were living in a state of concubinage, and he particularly objected to the clause legalising incestuous marriages which are now void; their children were illegitimate. Although the Legislature had interfered to sanction what had been done in ignorance, never till now had it been proposed to render valid marriages contracted in open violation of the law. He would only glance at what had taken place with regard to Royal marriages. If ever there was a case which deserved commiseration, and in which they might be excused for feeling an inclination to render valid one of these marriages, it was that case which they had had to decide at the bar of their Lordships' House, where the parties were both of them innocent of contracting a marriage which was not recognised by law—where a lady of illustrious descent and immaculate virtue was led to the altar by a Prince of the blood, and many opinions prevailed that it was a valid marriage by law. But, notwithstanding the powerful arguments urged, their Lordships unanimously came to the determination that the marriage was void. If, then, they refused to make valid a marriage contracted by persons who believed they were acting in conformity with the law, how could they be asked to legalise the marriages of persons who had acted in direct opposition to the law? With regard to the parties who had contracted these marriages, he would state to their Lordships the words of his distinguished predecessor, Lord Denman:—

"I am aware that painful instances may be cited, where ignorant persons, of the inferior classes of society, have contracted marriages of this kind, and now find that they are invalid. But as to persons in a higher rank of life, if there are any who have contracted marriages since the passing of the late Act [that was, Lord Lyndhurst's Act], they have defied the law, and broken its declared restraints."

And he (Lord Campbell) must refer to an assertion made, not by the noble Earl who had brought the measure forward, but in various interested publications, that this is a measure of relief merely for the poor. That argument was perfectly fallacious. According to the statistics of the promoters of the Bill, these unlawful marriages were not contracted in the greatest number by the poor: they were contracted by persons chiefly in the middling and upper ranks, well-educated, fully aware of what they were doing, and of the consequences of their own acts. Therefore it was not for the sake of the poor, but for the sake of those who had consciously and deliberately violated the law that the measure was to be passed. He (Lord Campbell) could now only express a hope that it would be rejected by a large majority. As to permitting the Bill to be read a second time with the view to further discussion, the idea was preposterous. It rested on principle—it was not a matter of detail—and no noble Lord ought to vote for its being read a second time who was not prepared at once to see it pass into law. He trusted it would be rejected by such a majority as would take away all hope of future success, and that no further attempt would be made to disturb those principles which rest on divine precepts, and on which the purity and happiness of domestic life essentially depend.

The BISHOP of LONDON would not have thought of intruding upon their Lordships' notice at that late hour of the evening, if he had not been aware that an opinion had gone forth, among those whom he should be sorry to have deceived in such a matter, that his opinions with reference to this subject, had undergone some change in the last ten years. On Lord Wharncliffe presenting a number of petitions some ten years since, he (the Bishop of London) took occasion to deliver at length his opinions, deprecating as strongly as he could any change in the marriage law of the country. He admitted that there had been some alteration in his opinion on that subject—a certain change had come over his opinions, but not in the direction supposed by the persons to whom he had referred. He then expressed considerable doubt whether the prohibition of these marriages could be fully sustained on the ground that they were expressly prohibited by the law of God. On this most important and most vital question he would not say that his mind was now entirely made up; but having carefully reviewed the whole subject, and read much that had been said on both sides of the question, he was much more inclined to think than he had been at any former period, that these marriages were prohibited by the law of God. This weighed with him to a great extent, that by an analogy and parity of reasoning the same arguments must apply to one woman and two brothers, as to one man and two sisters. Unless they admitted that analogy, he was not aware that they were able to point to any distinct scriptural enactment which said that a man should not marry his own daughter. Upon that principle, and believing that a correct interpretation had been put upon the 18th verse of the chapter which had been alluded to, he was inclined to attribute much more weight to the proposition of its being prohibited by the law of God than he was ten years ago. He could not refrain from alluding in a few words to what had been advanced to-night. With respect to the Jews, his right rev. Friend behind him had stated, that one reason why he thought that there was no prohibition was, that the Jews themselves did not put that interpretation on the passage, and that they did not to this day act upon any such interpretation. He would beg to remind his right rev. Friend, if it were necessary to remind one of his learning and acuteness, first, that we had no means of ascertaining exactly what view the earlier Jews took of that prohibition; but this we did know, that the Jews of our Saviour's time had made the word of God of none effect by their traditions; and it was not less a fact, that, for many centuries past the religion of the Jews—he said it with all respect for that body, in which were many excellent men—their religion had been that of the Talmud, and not that of the Bible. His right rev. Friend thought their Lordships would willingly support the present measure, because the prohibition of the statutes bore especially hard upon the Jews, and this measure would relieve that people from the burden under which they now laboured, of not being able to contract such marriages, in which they saw no moral or religious harm. But the answer to that was, that they were labouring under no such burden, for Lord Stowell had laid it down that the Ecclesiastical Courts had nothing to do with the customs which regulated the marriages of the Jews, for that on proceedings coming before them, they would only inquire whether the marriage was solemnised according to the rites and ceremonies of the Jews — whether it had been sanctioned by the tribunal called the Bethdin, the authority of which the Jews recognised. With respect to the scriptural prohibition, supposing that considerable doubt existed as to the interpretation to be put on these words, they found that the interpretation put by those who opposed such marriages, was the only one which the Christian Church had recognised from an early period; it was a rule of the Christian Church long before the canon law. They found it not only in the decrees of that Council to which the noble Earl (the Earl of St. Germans) had referred, but declared earlier in the *Apostolical Constitutions*. The rule thus laid down was based upon an interpretation of the Scripture prohibition which had been universally assumed by the whole Christian Church throughout the world; and it should surely be a matter of grave deliberation whether a Legislature, constituted as ours is, should venture to proclaim that that interpretation was false. If any question were made as to the correctness of that interpretation, it should be referred to some competent tribunal to inquire and decide, as a doubtful point of law was referred to the Judges of the land. So much he had said in order to vindicate himself from the supposition that he had changed his mind; and he had only once for all to state that arguments as to the scriptural prohibition were now more weighty than they had before been with him. With respect to the people of the Continent, he wished to call attention to a significant fact. In France these marriages had been prohibited until 1792, when the law was altered, and the consequence was such a flood of immorality, and such injury to domestic purity, that the Emperor Napoleon had, in his *Code Civile*, found it necessary to renew the prohibition. In 1832, the law was again changed, and dispensations were allowed to be granted in certain cases—the worst possible state in which the law could be placed; and with respect to the effects of the law in France, he thought their Lordships would not be induced to alter the marriage law of England from any admiration of the present state of society in that country. As to Germany, the facility with which divorces were granted was quite frightful; moreover, it must not be forgotten, that the advocates of this measure had not dissembled that this was the first step towards a general relaxation of those prohibitions on which the purity of our domestic relations, and the peace and happiness of families, so mainly depended. It was said that there existed a very general feeling against such restrictions upon marriage, but he did not believe it—the feeling was quite the other way. And, although it was urged that there were many violations of the law, his answer was that the real cause was ignorance, and the proper remedy was to give the people right education, and to instruct them in religion, and build them more schoolhouses, and send among them more clergymen to teach them the principles of true obedience to the law, and a regard for their obligations to the law of God. If the contrary principle were acted upon (as proposed by this Bill) the effect would be to offer a positive premium for immorality. Whatever feeling existed in favour of the measure, had arisen chiefly in the manufacturing districts, and from causes which had been alluded to; and that the feeling did not prevail in the agricultural districts he could assert, as he could also assert that the change in the law was not proposed for the sake of the poor. The right rev. Prelate read an extract of a letter from an Essex incumbent, declaring that the feeling in the country was decidedly against the Bill. He (the Bishop of London) could further assure their Lordships that the feeling of the female sex was strongly against the measure, as likely to be prejudicial to their social state; and, in conclusion, he would read a passage from the pen of a Lady—expressive (as he believed) of the feeling of her own sex on the subject:—

> "The effect of any alteration of the present law will be subversive of domestic purity and of social confidence, and it will tend to consequences injurious to the best interests of society. The evil which menaces us, may, I hope, be averted by a strenuous opposition to the Bill, designed, as it is, to effect so unjustifiable and injurious an alteration in the law."

LORD BROUGHAM would call it one of the most superfluous acts that a man could do if, after the full discussion of the question that had taken place, he should detain their Lordships with any lengthened remarks of his. Nevertheless, as some of his noble and learned Friends thought he should not allow the discussion to close without showing to what extent he agreed with them, he would offer one or two words to their Lordships. At one time he certainly thought there was very much doubt as to whether the present law rested or not on a sound foundation. With regard to the scriptural argument, it would ill become him to give a confident opinion upon it when he found the right rev. Prelates having considerable doubt and no small discrepancy among themselves upon the subject; but this he would say, that all the arguments not connected with the question of divine sanction—all the arguments of a moral and social description, went far more strongly against the marriage of a deceased wife's sister than they went against that which appeared not to be opposed to Scripture, the marriage of a man with a deceased brother's wife. There could be no doubt that what was called Lord Lyndhurst's Bill removed a great defect in our law. That Bill underwent considerable alterations in the other House of Parliament, and Lord Lyndhurst was not, therefore, answerable for the measure that passed into a law; but that it removed a glaring defect in our marriage law there could be no doubt. The expression "voidable" that was used with regard to these marriages under the old law, was a most inaccurate word to use. The truth was, those marriages were void *ab initio;* but, as it required the sentence of a court of law to declare them void, the expression came to be used that they were voidable. All that the sentence did was to declare the invalidity that already existed, In conclusion, he begged to say that he agreed with those who thought that, whatever decision was come to, the discussion that had taken place upon this question would be attended with a very beneficial result.

The BISHOP of OSSORY did not rise with any hope of throwing new light upon a question which had been so long before the public, and had been so often and so ably discussed; but believing, as he did, that the measure before the House could not be passed without great danger to the morals of the country, and great injury to its domestic happiness, and without bringing upon the Legislature the guilt of sanctioning what God had forbidden, he felt that he could not be satisfied, even at that late hour, with giving a silent vote against it. When he spoke of the proposed measure as dangerous to the morals of the country, he would have expressed himself much more strongly, but that he felt sure that it must effect a very great change in our domestic habits. For if the same intimate, affectionate, brotherly intercourse, which now so generally exists between them and their wives' sisters, were to continue after the measure had passed, he could not doubt that it would bring sin and sorrow into many a pure and happy home. Constituted as human nature is, those only can live safely on such terms who habitually regard their union in marriage as, at any time, or under any circumstances, impossible. And if it were once declared by the Legislature that a man might lawfully marry his deceased wife's sister, he and she must at all times live on the more reserved footing on which men and women not so connected usually live; and he could not but regard this as a most disadvantageous change in our domestic life. No doubt it would be a lighter evil than that which was to be obviated by it, but he could not regard it as a light evil in itself. He supposed that the relation of brother and sister would be universally assigned a high—not very far from the highest—place among the sources of pure happiness which the natural relations of life supply. And he had always felt that the very next place was due to the extension of the fraternal bond by means of marriage—and especially to the brotherly relation which it established between a husband and the sister of his wife. And if there were no other ground for rejecting the proposed measure, than that, if it were passed, this happy feature of our domestic system must be so entirely changed, he felt that there would be abundant reason for rejecting it. But he felt that at that advanced hour he must not enlarge upon this aspect of the question, but must pass from it to the still more important consideration, namely, whether the word of God affords any means of determining what His will is concerning such marriages as this Bill proposes to legalise. And upon this point he would say at once that he believed that such marriages were prohibited in the word of God; and notwithstanding what had fallen from two of his right reverend Brethren who had preceded him, he must add, that he found this prohibition where the Church had found it—in that passage of Scripture which had been so often referred to in the debate, the 18th chapter of the book of Leviticus, and the connected passages generally referred to. He was aware that there was in the House a great impatience of anything of the nature of a theological discussion. And though he might think this impatience at times excessive, yet so far as it applied to the introduction into the debates of the House of controverted questions in divinity, with a view to discuss and settle them there, he was disposed generally to acknowledge its reasonableness. He admitted that, generally speaking, in the debates of that House, the word of God ought to be referred to only for acknowledged principles and undisputed texts. But it must be felt that even to this reasonable rule there were some reasonable exceptions. And he trusted that their Lordships would feel that the question before them was one of those exceptional cases. In fact, to say nothing else, the opponents of the measure had been distinctly called on to justify their opposition by producing, if they could, a proof that the marriages now proposed to be legalised were forbidden in the word of God. It must be manifest that this call ought not to be left unanswered, and equally plain that it could not be answered without direct reference to the Bible. And, moreover, as no text could be produced on the side of the opponents of the Bill, of which the meaning and application were not disputed by its supporters, it was clear that this challenge could not be met to any useful purpose, merely by the adduction of texts, without some discussion of their meaning. He would be anxious to make this discussion as brief as he could; and he trusted their Lordships would bear with it, as not introduced wantonly, but forced upon him by the necessity of the case. After what had been said and admitted in the course of the debate, he felt that, without troubling their Lordships with any argument on the point, he might assume that the prohibitions in the chapter of Leviticus referred to, were a part of the moral law, and that they related to marriages between persons who were too nearly connected, whether by consanguinity or affinity, to be so united. And in looking at these prohibitions he agreed with those who had gone before him in holding it to be right and necessary to go beyond the letter of the prohibitions, in order to fix their true range and application. And in addition to what had been said in justification of this course, he would remind their Lordships of the full sanction which it had received from the very highest authority. The Lord Himself, as every one must remember, conveys to us most distinctly that in looking for the sense of the divine commandments we cannot rest safely in the letter; that, if we do, we shall miss a most important part of their meaning, and so shall act without reference to them in cases in which they ought and were designed to regulate our conduct or our feelings. This the Lord illustrated for us with respect to that most important part of the moral law, the Ten Commandments. He explains that none of these commandments is intended merely to prohibited the particular act which is named specifically and forbidden in it, so that so long as he abstained from that particular act, a man might imagine that he obeyed the commandment, and that he did not fall under the condemnation of the law. He directly leads us, on the contrary, to take the particular act as a symbol or representation of a class of kindred acts, against which the displeasure of the Lawgiver is declared in the commandment; and, moreover, to regard this declaration of His displeasure as extending to all the dispositions and emotions, the habits of thought and feeling, of which it is the natural tendency, in their full development, to issue in such acts. Thus, as he explains it, when God says, "Thou shalt do no murder," He prohibits not merely the violent taking away of a fellow-creature's life, but, at the same time, revenge, malice, wrath, ill-will, in our hearts; and, moreover, all such acts as express such tempers and dispositions in our own breasts, or as are fitted to excite them in the breasts of others. For, when He specifies angry and reproachful language, we must understand, upon the very principles which He is laying down and illustrating, that any outward acts which in the same way exhibit angry feelings, or provoke them, are alike condemned. Now, he thought that it must be felt that the opponents of this measure were only following out and fairly applying this rule of interpretation when they took the 6th verse of the chapter referred to—"None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the Lord"—as laying down the general principle, that nearness of kin was to be a bar to marriage; and when this further regard to the particular prohibitions which follow, not as a full enumeration of all the cases in which marriage was, on such grounds, unlawful, but as examples, intended to illustrate and explain what was the nearness of kin which was contemplated in the general prohibition. Among these particular prohibitions, one was found in the 16th verse—"Thou shalt not uncover the nakedness of thy brother's wife: it is thy brother's nakedness." This only forbids in terms a marriage with a brother's wife—that is, of course, the wife of a deceased brother; but he thought it was impossible fairly to consider the grounds of the prohibition without feeling that it must be understood, at the same time, to forbid the marriage of a man with his deceased wife's sister. For, connecting this verse with the general prohibition in the 6th verse, we learned from it, that a brother's wife was near of kin to a man in the degree which made it unlawful for him to marry her. But how is his brother's wife near of kin to a man? Manifestly by the effects of marriage. By marriage she has become one with his brother. She is, therefore, his sister, near of kin to him, and he may not take her to wife. But is not his wife's sister in the same way, and for the same reasons, near of kin to him? Has not marriage made him and his wife one, as it has made his brother and his brother's wife one? And is not his wife's sister, therefore, his sister, even as his brother's wife is his sister; the one near of kin to him in the degree in which the other is near of kin to him; and, therefore, marriage with the one a forbidden union, on the same ground on which marriage with the other is forbidden? He saw no mode of escaping from this inference; and, therefore, saw no mode of escaping from the conclusion, that the marriage which they were asked to legalise was one against which the will of God had been most decidedly declared in His word. He might, therefore, end there what he had to say, but that, though no attempt, so far as he knew, had been made to show that this inference was not a legitimate and necessary one, it had been pressed by an objection which he felt bound to notice. It was said that it was plainly inconsistent with the natural and proper sense of the 18th verse of the same chapter. That verse was, "Neither shalt thou take a wife to her sister, to vex her, beside the other, in her lifetime." And it was urged that the plain and natural meaning of this verse was, that the union which was here forbidden, during the lifetime, of a man's first wife, ceased to be unlawful after her death. And, if it were so, if the marriage with a deceased wife's sister were permitted, must not the inference from the 16th verse, that such a marriage is unlawful be erroneous, however legitimate and necessary that inference may appear to us? He was not surprised that this appeared a serious objection. It was, undoubtedly, a very plausible one. But he was persuaded that it had no real force; and, though he must then answer it much more hastily than was desirable, yet he trusted that he might be able, even then, to supply the materials for a comple and satisfactory answer to it. He would begin, then, by admitting the interpretation of the verse on which the objection was grounded. He was aware of all that had been said in favour of a different translation of the verse from that which appears in the text of our authorised version; and also of all that had been said to show that, even if we retain the common translation, we are not obliged to infer from it that the marriage with a deceased wife's sister was permitted to the Jews. He did not mean to speak slightingly of those attempts; but he was constrained to confess that they did not appear to him to have succeeded. And, without entering upon a discussion which would lead much too far, he would content himself with saying that, in his judgment, the verse is rightly translated in the text of our authorised version; and that, taking it as it stands there, the natural inference from it is, that, to the Jews, the marriage with a deceased wife's sister was not forbidden. But this did not in the least affect his confidence in the correctness of the inference from the 16th verse, that to us such a marriage is forbidden. For it was to be remembered, that, in looking at the ancient moral law for a rule of conduct for Christians, we were not to take the letter, but the principle, of its commands and its prohibitions; that we were to read a precept not in the sense in which the Jew to whom it was given read it, but in the sense in which our now brighter and fuller light enabled us, and therefore bound us, to read it; and, that, therefore the same precept might have a much wider meaning for us than for him; and that it was obligatory on us, not in the narrower but in the wider sense; and that therefore any relaxations or permissions which were granted to the Jew, but which were inconsistent with this wider sense, were not lawful to us, but were forbidden. No one upon consideration could question the soundness of these principles. They are in fact universally received and acted upon. "Thou shalt love thy neighbour as thyself," was a precept to the Jew as it is to us. We have it in fact from the Jews. But how different is the range of its meaning to us and to them! To the Jew, when he gave it its widest sense, it brought with it no obligations towards any beyond the limits of his own creed and nation. But from the day that the Lord answered the captious question, "Who is my neighbour?" to all his followers the precept has brought with it the obligation of goodwill, and, so far as means and opportunities allow, good offices to all, of every land and every tongue, every colour, and every creed — to all who share in man's common nature, and wear the image in which he was created.

To take another example. Though slavery had not yet altogether disappeared before Christianity, yet it had to a very great extent; and no one, he supposed, doubted that, to whatever extent Christianity had put an end to this relation, it had been acting on its true principles and fulfilling its proper office; but it was unnecessary to say, for every one knew, that there was not a single prohibition of slavery from one end of the Bible to the other. Indeed, the case was much stronger in justification of the relation, for it was distinctly recognised as a lawful institution in the old dispensation among God's people. But it was recognised in such a form as contained the principle of its abolition under the fuller light of the new dispensation; for the relation was only sanctioned when the slave was of the heathen around them, or of the strangers among them. It was prohibited to them to bring into this relation their brethren of the children of Israel. God himself interposed his own lights over them to prevent such an abuse of power over each other. He reminded them that all were alike His servants, redeemed by Him for himself, out of the land of Egypt, out of the house of bondage, and that He thus became their Master, so that none of them might be made slaves of any other. The great truth of the brotherhood of the whole human race was not unknown to the Jews. It was known not only that God was the Creator and the Sustainer of all, but that He had made all the children of one earthly father—that He had "made all men of one blood to dwell on all the face of the earth;" but it was, however, only as an historical fact.

It was kept out of sight, and for all practical purposes lost, from various causes to which he need not, and indeed could not, then particularly advert. But when Christ came to die for all mankind, and so to deliver all men from that bondage of which the Egyptian bondage was but a type, this great truth of the brotherhood of all men was again promulgated, not as a barren fact, but as a living and operative principle, to be carried out into the conduct of men's lives and the regulation of their feelings; while it was to be remarked, that when that most comprehensive rule of life which is founded on this truth, "Therefore whatsoever things ye would that men should do unto you, even so do unto them," was promulgated, it was at the same time declared, that however long overlooked or abused it had been, it was the spirit of the whole ancient Scriptures, "for this is the Law and the Prophets." But when this great truth was declared and established, and the true application and range of it given in the precept referred to, and in kindred precepts the abolition of the relation of master and slave was virtually pronounced, however long the execution of the sentence was delayed. It was not to be expected, indeed, that the full bearing of a truth which embraces and regulates such wide-spread relations, should be at once seen and acted upon; and Christianity being introduced with a wise and beneficial consideration of the state of society at the time, no precept was given which would at once have violently disturbed the institutions of the world. On the contrary, it appears in the Epistles as an existing relation, for which rules were to be provided for Christians, and directions are actually given for the conduct of Christian masters to Christian slaves, and of Christian slaves to Christian masters. But in the truth of the brotherhood of the whole human race, as members of one redeemed family, there was, as he had said, the principle of the abolition of a relation which seemed plainly inconsistent with brotherhood, and which, under that view, had been forbidden by God among those who felt and acknowledged that they were brethren; and as this truth became more fully apprehended and felt, slavery disappeared, until at length, after other forms of slavery had long passed away under its influence, the plea, "Am I not a man and a brother?" was found of power to strike the fetters even from our negro slaves. And now briefly to apply this to the matter in hand—he would remind their Lordships that it was not more clearly the office of Christianity to abolish all the distinctions which were incompatible with the true relation of mankind to each other through their relation to their common Creator and their common Redeemer, than it was to abolish those distinctions which were incompatible with the relation which woman was brought into existence to bear to man. We were indeed distinctly told so, for in describing the nature of the Christian community into which converts were brought, the Apostle says, that it is one in which "there is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female; for ye are all one in Christ Jesus." In fact, the state of woman in the ancient world was universally a degraded one. It was true that women, from time to time, in the lapse of ages, played a distinguished part on the theatre of life. But it was only as slaves from time to time reached the throne, or as eunuchs commanded armies, that it was only in the way of a rare example of the power of mind and character to raise individuals above all the disadvantages of nature and fortune. But in general woman was degraded from her true position; she was not the helpmeet for man, which she was made to be, but his toy and slave. And this undue subordination existed among the Jews, as in other ancient communities, though in some measure restrained and softened by their institutions, and by their records of the early history of the human family. But still among the Jews woman was below her rank in the social system; and the fruit and evidence of this degradation were found in those corruptions of the institution of marriage which obtained amongst them, as polygamy and divorce. And when woman was to be restored to her proper place in the social system, those corruptions were to be done away. And when the Lord desires to free the marriage relation from those defects which had been admitted into the Mosaic law, as a confession to the hardness of heart of those to whom that law was given, he goes back to the original institution of marriage, which showed clearly that it was God's design that the union should be completely and mutually binding—upon as complete a footing of equality of rights and duties as is compatible with the original superiority of man. He reminds them that at the first God created, not one man and several women, but one man and one woman: and that it was at the same time declared that a man should leave father and mother, and should cleave unto his wife, and that they twain should be one flesh. And for his followers he abolished that permission of divorce, which however accordant it were with the low and one-sided and erroneous view of the nature of the marriage bond which prevailed among the Jews, was utterly inconsistent with the true and primary conception of it, to which he desired to bring back his followers. Now it was unnecessary to say, that when we take a precept concerning marriage from the ancient law, we are to take it in the sense which the primeval and the Christian view of the nature and obligations of the marriage bond gives to it, not in the sense in which the Jew read it, interpreting it according to his own low and false view of that relation. When the Jew received the prohibition against marrying his brother's wife, we can easily understand why he would not go on to infer from it that his marriage with his wife's sister was forbidden. For while he was alive to the truth that marriage made the wife one with the husband, so that her individuality was lost, and she thenceforth bore the same relations as her husband, he was not in the same way alive to the corresponding truth as regarded the man, and did not feel that he was so made one with his wife, that he thenceforth bore the same relations that she did. And so while he would understand that he was the brother of his brother's wife, he would not understand in the same way, that he was the brother of his wife's sister. And we know that in the way of concession to his casual views and hardness of heart, he was allowed to take two wives, and to send away his wife, though she had not broken the marriage bond; so it might have been allowed to him to take to wife the sister of his deceased wife. But how are we affected by either point? Under the view of the marriage bond which we have received, it is as certain that the husband is one with the wife, as that the wife is one with the husband. It is as certain, therefore, that a man is the brother of his wife's sister, as that he is the brother of his brother's wife; that he is as near of kin to the one as to the other; and that if he may not marry the latter, if it would be unclean to do so, on account of his nearness of his kin to her—and that it is so we are expressly told—then it is certain that he may not marry the former; that it would be unclean in him so to do. And as to the fact if it were so, that it was permitted to the Jews to form such unions, that was a fact which did not affect in any degree the certainty of the inference as regards ourselves; nor did it in any respect weaken its obligation as regards ourselves. Because, as he had before endeavoured to show, not only was every prohibition binding upon us in the sense which it received from the fuller light of the gospel—whether in the way of revealing new relations to us, or giving new and larger views of old relations—but it was not open to us to take advantage of permissions which were granted to those who read the prohibitions in a narrower sense, if those permissions were inconsistent with the larger sense in which the gospel enabled and obliged us to receive the prohibitions. He was conscious that he had been glancing hastily at the points of his argument, rather than exhibiting them with anything like due clearness and fulness. But he trusted that he had at least suggested enough to vindicate the inference drawn from the prohibition in the 16th verse, by doing away with the apparent objection to it which had been drawn from the implied permission in the 18th verse. And at that advanced stage of the debate, that was the utmost that he could venture to attempt.

The EARL of ST. GERMANS: My Lords, the most rev. Prelate who moved the rejection of this Bill, expressed a hope that we should hand down unimpaired to our posterity the marriage law which we have received from our forefathers. I do not know whether the most rev. Prelate speaks of the law as it existed before the passing of Lord Lyndhurst's Act, or since: they are very different things. Practically before 1835, these marriages were good marriages, that is to say, they were seldom or never set aside. Now, they are absolutely null and void. The most rev. Prelate has not said positively that they are forbidden by the law of God, but that it may be doubted whether they are not so forbidden, and that it is therefore safer to abstain from them. That is an opinion not shared by the two right rev. Prelates who spoke later in the debate (the Bishops of St. David's and Norwich). They think that these marriages are not forbidden in Scripture, and they oppose this Bill on social grounds only.

The right rev. Prelate who spoke immediately after the most rev. Prelate, made a statement which I heard with astonishment. Defending himself from the charge of inconsistency in having supported a Bill to legalise marriages which he thinks incestuous, he told your Lordships that he had ascertained that parties who had contracted the marriages legalised by the Act of Parliament might nevertheless be proceeded against in the Ecclesiastical Courts for incest, and might be separated. Did the right rev. Prelate tell the House at the time that this would be the case? Is it credible that Parliament would have passed a law to prevent the annulling of these marriages, and yet have permitted the Ecclesiastical Court to punish persons having contracted them as being guilty of incest, and to compel their separation? Have, in fact, any such proceedings taken place since the passing of the Act?

The right rev. Prelate has said, that these marriages are prohibited by the law of God; but he has failed to point out any such prohibition either in the Old Testament or in the New. The right rev. Prelate has spoken disparagingly of the report of the Marriage Commissioners, and of their mode of conducting the inquiry. The commissioners are men whose reputation needs no vindication, and I shall not presume to offer any. The right rev. Prelate has pointed out one or two statements in the report which he says are not supported by the evidence. It is stated in the report that the Protestant States of Europe, with the exception of some of the cantons of Switzerland permit these marriages to be solemnised by dispensation or licence. The right rev. Prelate says, that this is an incorrect statement as regards the Swiss cantons. I admit it; but the statement of the right rev. Prelate as drawn from the evidence is also incorrect. He says that these marriages are permitted in only one canton. The evidence given as to the practice in Switzerland is to be found in a letter to M. Bach from a professional friend of his at Lausanne. The writer says, that marriage with a wife's sister is permitted only in one canton, but that marriage with a wife's niece is, he believes, permitted in all the Protestant cantons.

The right rev. Prelate tells us, that many Prussians blush at the state of the marriage law in Prussia. This may be, but the evils which they deplore, arise out of the facility with which divorces are obtained, and not out of the permission to contract marriage with the sister of a deceased wife. M. Bach is asked, "Are marriages of this description in Germany to be considered at all *contra bonos mores?*" The reply is—

> "Not at all. So far from their being considered *contra bonos mores*, the feeling of the people of Germany is undoubtedly in favour of such marriages. And the feelings of the women of Germany are so strong in favour of such marriages that it often occurs that the last parting request by a wife on her death-bed to her husband is to marry her sister in case he should feel inclined to marry again. This arises partly from affection for her surviving husband or relations, that he may not become estranged from her connexions, and partly from affection to her sister, and very frequently where there are young children for their sake."

He is then asked—

> "'Are you aware of any evil consequences from the celebration of marriages of this description?' 'None whatever. I am not at all aware of any.' 'Then you are of opinion that such marriages have not led to any laxity of morals whatever.' 'Undoubtedly not.'"

So much for the effect of these marriages in Prussia. The right rev. Prelate has said, that these marriages are prohibited by the Greek Church. Doubtless they are, but so are marriages within the seventh degree. Moreover, as I before told your Lordships, these marriages are not prohibited by the Greek Church as being contrary to the law of God, but as being inconsistent with the discipline of the Church.

The noble and learned Lord (Lord Campbell) has, no doubt, stated the law correctly; but he has stated it so as to produce an erroneous impression on your Lordships' minds. As I have said, the Judges hold that the 28th Henry VIII., c. 7, was revived by implication, by the revival of the 28th Henry VIII., c. 16, in which reference is made to it; and that, consequently, the Levitical degrees mentioned in the 32nd Henry VIII., c. 38, are to be taken to be the degrees specified in the 28th Henry VIII., c. 7.

Mr. Justice Coleridge, in Chadwick's case, distinctly said, that the Court was not examining what God's law was, nor what the Levitical degrees were, but it was examining the 32nd Henry VIII., c. 38; and that, if the Legislature had mistaken God's law, yet, if the meaning of the Act of Parliament was clear, the Court was bound to act on their misinterpretation. The noble and learned Lord has adverted to the opinion of Lord Denman, as expressed on the occasion of that trial. I am happy to be able to inform the noble and learned Lord that Lord Denman is desirous of supporting this Bill. I have received a note from him to that effect. I mention this, as I fear that the state of Lord Denman's health will prevent him from voting to-night. The noble and learned Lord has said, that to pass a retrospective Act legalising marriages that are now null and void, would be a thing unheard of. Was not this very thing done by Lord Lyndhurst's Act? He has also told your Lordships that if you legalise these marriages, you will be called on to legalise bigamy. Bigamy is forbidden by our Saviour—these marriages are not. This is a sufficient reason why these marriages should be legalised, and why bigamy should not. I must again remind your Lordships, that the clergymen of some of the most populous parishes describe in strong language the evils caused by the existing law. Mr. Dale, Mr. Gurney, Mr. Champneys, Mr. Villiers, Dr. Hook, all consider it as most mischievous in its effects among the poor.

I will trespass no longer on your Lordships' attention. I have, indeed, omitted to notice some of the arguments that have been used by the opponents of this Bill; but having shown, as I believe, that the marriages which it is proposed to legalise are not contrary to the law of God, or inconsistent with the interests of society, and that the existing law is productive of great evil, I will say no more. One question, indeed, I must ask your Lordships' permission to answer. The noble and learned Lord inquired why Scotland is excluded from the operation of this Bill. The reason is a simple one. The Act which this Bill amends does not apply to Scotland.

On Question, that "now" stand part of the Motion, their Lordships divided:—Content 16; Not-Content 50: Majority 34.

List of the CONTENTS.

MARQUESS.
Clanricarde

EARLS.
Bessborough
Cowper
Essex
Grey
Lanesborough
St. Germans

VISCOUNT.
Gage

BARONS.
Auckland
Beaumont
Camoys
Overstone
Say and Sele
Wharncliffe
Wodehouse
Wrottesley

List of the NOT-CONTENTS.

Archbishop of Canterbury
The Lord Chancellor
Archbishop of York

MARQUESSES.
Winchester
Breadalbane
Exeter

EARLS.
Enniskillen
Erne
Granville
Hardwicke
Harewood
Mountcashel
Nelson
Powis
Romney
Selkirk
Somers
Waldegrave
Winchilsea

VISCOUNTS.
Hereford
Strangford

BISHOPS.
London
Winchester
Ripon
Lincoln
Salisbury
Exeter
Rochester
Chichester
Oxford
Norwich
Hereford
St. David's
Peterborough
Ossory
Cork

BARONS.
Bayning
Blayney
Braybroke
Crewe
Campbell
Cranworth
Colchester
Dufferin
De Tabley
Dunsany
Feversham
Poltimore
Redesdale
Sondes

Resolved in the *Negative;* Bill to be read 2^a on this day six months.

House adjourned to Friday next.

HOUSE OF LORDS,

Friday, February 28, 1851.

MINUTES.] *Took the Oaths.*—The Hon. Sir John Cam Hobhouse Bart. (having been created Baron Broughton of Broughton de Gyfford, in the County of Wilts), was (in the usual manner) introduced.

PUBLIC BILL.—3^a Appointment of a Vice-Chancellor.

THE MINISTERIAL CRISIS.

The MARQUESS of LANSDOWNE: My Lords, when on Monday last it was my duty to address a few words to your Lordships I certainly did so in the confident expectation, and I may be permitted to add, so far as I am personally concerned, in the sincere hope, that it was the last occasion upon which I should be required to address you on behalf of those Colleagues with whom I have been recently connected. Circumstances, however, compel me, from respect to your Lordships, again to address you with regard to matters that have occurred since that time, when I merely stated a fact which it was important for your Lordships to be acquainted with, viz., that at that time Lord John Russell, my noble Friend recently at the head of the Government, was, by command of Her Majesty, engaged in an attempt to reconstruct the Administration of which he had been the head. My Lords, when I made that statement to the House, Lord John

The Earl of St. Germans.

Russell was engaged with that view in communication with a noble Earl—a highly respected and distinguished Member of this House (the Earl of Aberdeen)—and with a right hon. Baronet—a most distinguished Member of the other House of Parliament (Sir James Graham)—for the purpose of endeavouring to effect that reconstruction upon a larger basis than before. But I have now to state to your Lordships, that before that night had closed, this attempt of Lord John Russell had failed. I will leave it to others to state the grounds upon which that failure took place; I am anxious only to lay before your Lordships the facts in the order in which they occurred, and to state to you what is the present position of affairs. My Lords, after the failure that evening of the attempt made by my noble Friend Lord John Russell to reconstruct the Cabinet, a communication was made to the noble Earl to whom I have already alluded, for the purpose of ascertaining whether he and his right hon. Friend (Sir J. Graham) were in a condition to undertake the formation of a Government. My Lords, Her Majesty having been informed that the noble Earl was not in that condition, and seeing that the noble Lord opposite (Lord Stanley) had in the conference with which he had been honoured by Her Majesty only informed Her Majesty that he was not then, as I stated to your Lordships, prepared to undertake the construction of a Cabinet, Her Majesty resolved upon again inviting the noble Lord to construct an Administration, and the noble Lord did not hesitate in those circumstances to make the attempt. The noble Lord undertook this duty on Tuesday morning. Two days passed before the noble Lord communicated to Her Majesty his inability to succeed in that attempt. That communication needed not have been made, perhaps, till this very morning, from the circumstance of the adjournment of the House to this day. However, the noble Lord naturally lost no time in communicating the fact to Her Majesty as soon as he was enabled to do so. My Lords, this communication took place at a late hour yesterday afternoon. What I have now to state to your Lordships, and all that I can state is, that I myself this morning, by Her Majesty's command, waited upon Her Majesty, and I found that it was Her natural desire, in a state of things most novel and almost unprecedented in the annals of this country—after making every effort in Her power to employ for the construction of a Government those persons best qualified from their position to undertake such a task, and having failed in those efforts—that it was Her desire to pause before She took further steps, and to obtain the advice and the opinion, in this unforeseen contingency, of a noble and illustrious Duke, one of the greatest ornaments of this House—one to whom on other occasions Her Majesty has referred in moments of difficulty. That illustrious Duke is not at present in the House. He has been summoned to attend Her Majesty, and in these circumstances I can only state my belief that this House will acquiesce in the propriety of Her Majesty's views in proceeding fully to inform Herself before She takes further steps in this important and delicate state of matters. My Lords, I will leave it to others to add—what they have a full right to do, and what the public may expect—a full development of the views and motives by which they have been actuated; but I cannot sit down without expressing this, at least, that however much I may lament, as I do most sincerely lament, the result of these negotiations, there is at least one consolatory circumstance to me that has attended that result—it is, that throughout all the differences, throughout all the difficulties that have presented themselves in these negotiations, those difficulties and differences have in no one respect whatever turned upon any personal considerations; that it was the natural result of honest differences of opinion, connected with important principles, that created a bar in the way of those arrangements, but not a bar that could in the least diminish the personal respect and regard which the parties have hitherto entertained for each other. From my own knowledge, in reference to that part of the transactions in which I had the honour to take a part, I may be permitted to say thus much as to the manner in which the negotiations throughout were carried on by the noble Lord opposite, and by the other noble and eminent persons to whom I have referred. I will only, before I sit down, endeavour to impress upon your Lordships—not speaking upon my own behalf only, or in behalf of those colleagues with whom I have been connected, but in behalf of all public men, of whom, unquestionably, great sacrifices of private ease and comfort may at particular times be justly required—that there is one sacrifice they can never be called upon to make, because it is not only a sacrifice of themselves, but a sacrifice of the honour and dignity of the Crown—I mean that of a prolonged attempt, under any circumstances, to carry on the public business of the country without the promise of that amount of support which is indispensable to all Governments for the purpose of enabling them to maintain the honour of the Crown, and to maintain and promote the efficient carrying on of the public service. Such a state of things, in my opinion, if prolonged, can never fail to be detrimental to the honour of the Crown, injurious to the best interests of the country, and profitable only to those—not the most respectable class of politicians—who, in such circumstances, find a consequence which does not naturally belong to them, and which they would not otherwise possess. I feel strongly that if public men undertake to perform public duties, they ought to do so with the full prospect of discharging those duties with effect. I have now endeavoured to put your Lordships in possession of the facts so far as known to myself. If I have omitted anything, there are parties in this House who will be able to supply the defect; in the meantime I have nothing further to communicate beyond the short statement which I have now had the honour to lay before your Lordships.

The EARL of ABERDEEN: My Lords, the noble Marquess having stated the circumstances of the failure of the negotiations entered into by the noble Lord (Lord John Russell) for the reconstruction of his Cabinet, it is now incumbent on me to explain to the House the motives for my conduct, and the reasons which led to that decision to which I felt it my duty to come. My Lords, on Saturday morning, when the resignation of the noble Lord and his Colleagues took place, I had the honour of being commanded by Her Majesty to attend at the Palace. I did so on the evening of Saturday; and, after the honour of an audience with Her Majesty, at which I humbly expressed my readiness to co-operate in the reconstruction of the Government upon any conditions which should appear to be consistent with my own convictions, and which offered a prospect of promoting the public service, I afterwards, in Her Majesty's presence, met Lord John Russell and my Friend Sir James Graham. After mutual explanations upon these subjects, similar to those which I have now stated, we met Lord John Russell on the following day. The noble Lord communicated to us the basis of an agreement on which the Government was to be reconstructed, and the principal measures which he proposed to introduce. I think we received this communication from Lord John Russell between four and five o'clock on Saturday. We proceeded at once to consider the propositions; but, having been detained late at the Palace that night, we could only examine them with the attention they deserved on the following day. On Monday, therefore, having entered into this examination, we communicated to Lord John Russell our opinions on this subject. I need not enter into the various measures proposed for our adoption. On some we were entirely agreed, and on others probably mutual explanations might have led ultimately to an agreement; but our difference was confined exclusively to a single measure. I felt, undoubtedly, an invincible repugnance to adopt the measure of penal legislation towards the Roman Catholic subjects of this country by the prohibition of the assumption of ecclesiastical titles; and, indeed, I objected to any legislation of this kind upon the subject. My Lords, I am quite aware that this is not the proper occasion to enter into any full discussion of this subject. I hope that, at no distant time, we may have an opportunity of considering this question, and I shall then be ready to express more fully the views and opinions which I entertain; but I must, at the present moment, state to the House the deep convictions and feelings which induced me to come to such a decision as that I have stated, and which led to a result so important to the great interests of the country, by leading to the failure of that attempt with which the noble Lord was charged. I felt, then, that this legislation must prove utterly ineffectual. It is difficult enough at all times, by force of law, to give a criminal character to acts in themselves indifferent, so as to secure the willing obedience of mankind. But when such acts are performed from a sense of duty and religious obligation, your laws become a dead letter; conscience and opinion are beyond the sphere of your legislation. No doubt you may persecute. But we have had fatal experience of the inefficiency of such a mode of proceeding. We had for 200 years very successfully, very effectually, tormented the Roman Catholics; but, nevertheless, we found that, instead of diminishing, we only increased, the number of our victims. I thought I saw in this measure a retrograde step towards a system of laws which I had hoped was utterly abolished and extinct, and which was at variance with the whole spirit of our recent legislation. I believed that, in the late proceedings which had taken place, no law had been violated, unless, indeed—which may be doubtful—those barbarous laws the text of which still continues to disgrace the Statute-book, but which have been long obsolete, and which have very recently been stigmatised by the Legislature itself. But, my Lords, though I felt persuaded that no violation of law had taken place, I was not the less sensible of the arrogant tone assumed by the Roman Pontiff and by his Cardinal, in the brief of the one, and the pastoral letter of the other; and I felt that this might very properly engage the notice of Her Majesty's Government and even of Parliament. But I saw no sufficient grounds for legislative interference, with the view of abridging the religious liberty of our Roman Catholic fellow-subjects, and impeding the lawful and regular development and organisation of their episcopal Church. My Lords, I found that my right hon. Friend (Sir James Graham) entirely coincided with me in this view; and I may mention to the House that this agreement was arrived at without the least concert or communication with each other. Since we parted in the course of last summer—at the close of the last Session of Parliament—I have had no communication whatever upon any subject with my right hon. Friend. In the distant part of the country where I resided, no doubt, I witnessed the excitement which prevailed throughout England on the subject; but I thought that the alarm and indignation which prevailed so widely were unfounded and irrational. I certainly felt no alarm myself, and I had no inclination towards indignation, but rather to a feeling more allied to contempt. But, my Lords, when I saw such sentiments expressed in quarters which, I confess, surprised me, I undoubtedly became more curious to know what was the opinion of my right hon. Friend and of others with whom I have been in the habit of acting, and for whose opinions I feel great respect. However, it appeared to me that this was not a subject upon which I could with propriety venture to question my right hon. Friend; and so, in point of fact, until the day before the meeting of Parliament, I had not the most distant conception of what his opinion was. He called on me, I believe, the very morning of the meeting of Parliament, and, to my great satisfaction, I found that his opinions in all respects completely coincided with mine. My Lords, this absence of all communication was the case with all those noble and honourable persons with whom I have been formerly connected in official life, and whose opinions I have always regarded with respect. Until the day before yesterday I was entirely ignorant of the opinions, with one exception, of any of my former Colleagues; and at this moment I am entirely ignorant of the opinions of some of them. I wish to state this to show that whatever those opinions may be, they are not the result of any concert or communication with each other, but have been arrived at in a manner perfectly independent and separate.

My Lords, it is true that the noble Lord to whom was intrusted the formation of an Administration did propose to us to make material alterations and modifications in the Bill to which I am now alluding, and to which we so decidedly objected. No doubt those alterations might have removed some of our objections to the provisions of the measure itself; but it is obvious that such alterations must have excited great disapprobation and disappointment amongst all those who represent the popular feeling upon this subject, which has been so much excited in hostility to the proceedings of the Court of Rome; while at the same time the very remnant of the Bill would have been equally regarded as penal, unjust, and offensive, by the great body of Her Majesty's Roman Catholic subjects. We, therefore, felt that it was impossible for us to make ourselves parties to a measure from which we could not anticipate any good, and from which we thought we had reason to apprehend very many and serious evils. My Lords, on the failure of this attempt of the noble Lord to form an Administration, Her Majesty was pleased to send for me to request me to undertake that task.

My Lords, I am fully aware how little able I should be at any time, and especially at so difficult a moment as the present, to conduct the affairs of this great empire in such a manner as Her Majesty's subjects have a right to expect. Nevertheless, there were circumstances in the actual condition of the country which might probably have led me to make the attempt. But, after what your Lordships have heard of my sentiments, and with the knowledge which I possessed that a measure of penal legislation had been introduced into the House of Commons with the consent of a great majority of the Members of that House, and believing, as I had full reason to believe, that a majority as large of your Lordships in this House entertained the same views upon the subject, your Lordships will not be surprised to learn that I humbly entreated Her Majesty to permit me to decline the task which Her gracious favour would have imposed upon me. I felt that in the present state of opinion it would be perfectly hopeless for me to attempt to enforce those views which I entertained, and from which I was determined not to recede. I felt that I could be no party to any course which I believed would tend to rekindle the flame of religious discord throughout the country, and would inevitably increase the religious animosities and bitterness which unhappily prevailed. It was for these reasons that I declined the task. The opinions which I have expressed may be completely erroneous. Judging, indeed, from what has passed—if numbers were the criterion of right—it would be almost clear that I am in error. Nevertheless, I entertain a confident belief that a great change will at no distant time take place in the public sentiment on this subject; but, my Lords, whether this be or be not the case, I trust your Lordships will give me credit for sincerity in my convictions, for the deep sense of duty under which I have acted, and will believe that nothing would have induced me to follow the course I have adopted had I not been convinced that I was acting in accordance with the dictates of the soundest principles of wisdom and of justice.

Lord STANLEY: My Lords, it now becomes my duty to avail myself of this, the earliest opportunity which I have been able to take, consistently with my duty, of explaining to your Lordships the portion of these transactions in which I have been engaged, and which I was precluded, by an imperative sense of duty, and the absence of any permission on the part of Her Majesty, from explaining to your Lordships on Monday last. I must commence with a period somewhat, though not much, antecedent to that to which my noble Friend has alluded. My Lords, Her Majesty's late Administration having resigned their offices in the course of Friday last—that is, the greater portion of them having come to the determination of resigning their offices on Friday last, though, of course, they were unable to act upon it in consequence of the absence of the noble Marquess opposite, who was not then in town—on Saturday morning, I believe, an announcement was formally made to Her Majesty, that the whole of Her late advisers had unanimously tendered their resignation; and Her Majesty upon that occasion did me the honour of stating, that looking to me as possessing the confidence of a very large portion of the Members of this and the other House of Parliament, Her Majesty had called upon me to tender Her my advice as to the course which it would be most desirable to pursue under the circumstances. My Lords, I took the liberty, in the first instance, of requesting to be informed by Her Majesty upon what grounds the resignation of Her late advisers had taken place; and I learned from Her Majesty, that the grounds stated to Her for that resignation were the same in substance as those which were stated in the other House of Parliament by Lord John Russell, and in this House by the noble Marquess opposite—namely, that at no very distant period, a Motion which had been brought forward by Mr. Disraeli in the other House, in reference to the general distress in the agricultural districts, had been negatived by so small a majority, as to lead the Government to the conclusion that they did not possess that continued confidence of the House of Commons, which was requisite to the administration of public affairs; and that that opinion on their part was further confirmed by the fact, that on Thursday last, the evening previous to the day on which the resolution of resigning was taken, they had been left in a minority on the Motion of Mr. Locke King, the majority of two to one against them being composed of their own ordinary supporters, a great portion of the protectionist party having been absent on that evening. My Lords, I must stop for a moment in my narration to express some doubt on my own part, not inconsistent with the most entire respect for the noble Marquess opposite, and the most entire conviction that the two circumstances to which he has adverted led ultimately and finally to the somewhat sudden and abrupt termination of the late Government. My Lords, I must express my conviction that these were not the only, and I must be permitted to doubt whether they were the principal, causes of the resignation of Ministers. My Lords, I cannot but think that that most important of all important questions which has been adverted to by my noble Friend the noble Earl above me, in a manner and tone which does the utmost credit to his frankness and sincerity—I mean the mode of dealing with that most difficult question which is commonly spoken of under the term of "the Papal Aggression," had much to do with the resolution to which Her Majesty's late Government came. I am not, of course, in the secrets of the Cabinet; I am bound to assume that the Cabinet had agreed upon a measure which they, as a Cabinet, intended to support; but I believe they saw before them, in regard to that question, difficulties as grave on the one side as on the other. On the one side they saw a state of Protestant feeling excited in this kingdom by the letter of the Prime Minister, not less than by the act of aggression itself, exciting them to extreme measures; and, on the other hand, a feeling existed in the minds of a large portion of their own supporters, extending even to some of their immediate adherents, and very much in accordance with the views stated by my noble Friend the noble Earl above me, that this was a question upon which no legislation was desirable, or ought to be sanctioned. I cannot divest my own mind of the strong conviction, that that measure, and the difficulties connected with it, were in a great degree the cause why the Government came to the conclusion that they were unable to carry on the business of the country. I cannot but think also that that feeling has been strengthened by the anticipated failure of the financial project announced by the Chancellor of the Exchequer. I am not surprised, therefore—although undoubtedly the course which the late Government has taken has not been such as to induce me to think that so small a majority as fourteen would be held by them a sufficient ground for resigning their offices—I am not surprised, with these two serious difficulties staring them in the face, and leading them into a position in which they must either go against their own convictions, or forfeit the support of their own ordinary adherents—I am not surprised that with these difficulties, and with the difficulties created by the universal dissatisfaction which appears to have been produced by the budget of the Chancellor of the Exchequer, the not unwelcome occasion which presented itself on Thursday night by the defeat of the Government in a thin House, composed of their own adherents, should have been taken advantage of. Now, my Lords, not for a moment doubting the statement as to the immediate causes of the dissolution of the late Government, I ventured to state to Her Majesty one or two remarks upon these two causes assigned for the resignation. I hold in my hand now a copy of a portion of a letter which, by Her Majesty's express command, after the interview with which I was honoured, I wrote to Her Majesty for the purpose of placing upon record the advice which I had felt it my humble duty to render. From that letter I shall, with Her Majesty's permission, read to your Lordships, as the most authentic and correct record which I have, so much of those passages as will tend to explain the course which I pursued on that occasion:—

> "He adverted to the two occasions specified by Your Majesty as the grounds of the resignation of Your Majesty's servants, and observed with reference to the Motion of Mr. Disraeli that it had been negatived, and although by a small majority, the minority were reinforced by a number of votes not hostile to the Government on other grounds, and on whose general support Lord Stanley and his Friends could not reckon; and with reference to the majority on Mr. Locke King's Motion, he observed—"

And, my Lords, I hold it to be a point not to be lost sight of, when it is stated that the Government fell by the votes of their own adherents—that the support of their usual opponents undoubtedly, had they been present, would have been given to them in opposition to a dangerous and mischievous measure; and when it is observed that in consequence of the absence of those opponents, upon whose support they rested, the Government met with a defeat, it is right that your Lordships and the country should know the facts of the case. Mr. Locke King's Motion for an extensive alteration of the Parliamentary franchise was carried by above 100 votes to 54. Of these 54 votes, 17 were votes of what I will call, for shortness' sake, the Protectionist party, and 27 more were votes of official men; and exclusively of those bound by official ties, the Ministry brought to their support 10 independent Members, and no more. I ventured to state these facts to Her Majesty; and I stated that, small as was the number of my Friends who voted on that measure, I believed their numbers would have been much greater but for an impression which undoubtedly prevailed "that Your Majesty's Ministers were not honestly exercising their influence to defeat the Motion." I believed that, and my Friends, and the House of Commons, believed it; and although, if they had believed in the earnest determination of the Government to act upon their own principles, they would have given them a generous and disinterested support, they did not feel themselves bound to attend in large numbers for the purpose of enabling the Government to defeat the measure, while it permitted so many of its own supporters to be absent. My Lords, after adverting to the particular circumstances with which the dissolution of the late Government was accompanied, my first statement to Her Majesty was, that after the part which I had taken in public affairs, after the expressions of which I had made use, after the opinions which I had uttered, after the pledges which I had given, seeing that if I had been a Member of the other House I certainly should have supported by my vote the Motion of Mr. Disraeli, regarding the distress among the agricultural class—avowed in the Speech of Her Majesty from the Throne—and declaring that it was the duty of the Government to take effective measures for the relief of that distress, it would be impossible for me, even if my convictions were less strong than they were—it would be impossible for me, as an honest man, to take office without a full determination to deal with that distress, and endeavour to apply to it, as a Minister, effective measures of relief. My Lords, I stated that if I could so far forget myself as to sacrifice my own honest convictions, the loss of honour which would be involved in such a course of proceeding would make my services worse than valueless. I said that I had entertained, and that I retained, the opinion that it was the duty of the Government, if it were impossible to do full justice, at all events to take steps towards mitigating the injustice under which the proprietors and occupiers of land in this country were suffering. I did not bind myself to any specific measure, although at the proper time I shall not shrink from stating the specific measure which I would recommend; but I did state that I would not take office on any other condition than that of endeavouring *bonâ fide* to give effect to my own conviction of the necessity of legislating for the relief of that class of Her Majesty's subjects. My Lords, I then proceeded to notice the position of parties in the House of Commons. And, my Lords, in looking at the difficult situation in which the country is now placed, it is not unnecessary or unimportant that your Lordships and the country should well know the position and the relations of those parties. My Lords, in the first place there is the party of Her Majesty's Government and of their adherents, with various gradations of opinion among themselves—with great differences of opinion, I may go so far as to say, between various sections of that party, those differences being still further increased by that which took place on a recent occasion, and which has almost led to the formation of another party—namely, the Irish Roman Catholic party, in the House of Commons. My Lords, there is, besides the party with which I have the honour of being connected, a party numerous, no doubt, yet undoubtedly in a minority in the House of Commons on every occasion, and which, unfortunately, though it no doubt comprises men of talent and intellect, yet contains within itself, I will not say no single individual, but hardly more than one individual, of political experience and versed in official business. My Lords, I feel that that is a great disadvantage for any party to labour under. But there is a third party in the House of Commons, not, indeed, very extensive in point of numbers, but most important as regards the ability, the official experience, and the talents of a great portion of its members—I mean that small party in point of numbers, though important in point of talent and experience, which has adhered to the policy of the late Sir Robert Peel. My Lords, looking at the composition of the House of Commons, and considering the practicability of forming such a Government as should be enabled permanently to conduct the affairs of this kingdom, or which should at least carry with it some appearance of stability—for I think your Lordships will be of opinion, as undoubtedly I am, that nothing scarcely can be so mischievous as constant change from one Government to another, or the formation of a Government with the prospect of its being speedily removed from office, to the great disturbance of public affairs—I felt that I had a very delicate task to perform; and bearing this in mind I shall continue the extract which I had commenced. And upon the words which I am about to read, I lay the more stress, because the words themselves are not unimportant, as exhibiting to your Lordships and to the country the whole scope and tenor of the advice which upon that occasion I felt it my duty to offer to Her Majesty, and upon which some misconstruction has prevailed, My Lords, I think the noble Marquess will remember that when he made his statement in this House, I felt it my duty, while I forebore to offer any observation, to intimate at least to the noble Marquess that one expression had fallen from him upon which I might have desired to offer some comment; and in the other House of Parliament, I understand a statement was made to the effect that the representation made of this affair by Lord John Russell, though certainly not intentionally incorrect in point of form, was still calculated to convey an inference which was not justified by the facts. My Lords, the inference which would be justified by the naked statement on the part of the noble Marquess here, and on the part of Lord John Russell in the other House of Parliament, was this—that I had abandoned as hopeless the expectation of being able to form a Government. I do not mean to say that that expression was used; but when it was stated that I was not prepared to assume the responsibility of forming a Government, that was the inference which the world at large might draw. Your Lordships will see how far that statement was correct. Undoubtedly it was correct in form and in fact; but your Lordships will perceive with what qualification that statement, if made at all, should have been accompanied, which qualification was not contained in the statement itself, and which it would have been impossible to supply without entering into a full explanation. My Lords, after leaving Her Majesty that day, about a quarter past four o'clock, I did not return home immediately, I did not reach my own home till six o'clock. On arriving there I found a note from Her Majesty desiring that I would place in writing the advice which I had given; and I have since had the satisfaction of receiving from Her Majesty an assurance that there could not be a more correct statement of what passed than that which I submitted and now hold in my hand. My letter went on to say—

"After stating to Your Majesty the position of the three main parties into which the House of Commons is divided, Lord Stanley observed that the policy of the present Administration had met with the general approval and support of the most distinguished men of the party which adhered to the late Sir R. Peel, and that they had never yet met with a defeat from Lord Stanley's political friends; that a very important member of that party, Sir J. Graham, had publicly declared his opinion of the necessity of 'closing their ranks' to resist the presumed policy of Lord Stanley's friends; and as Your Majesty has been pleased to inform him that no communication had been made to any one previous to that which Your Majesty honoured him, he ventured to suggest that, in the first instance, Your Majesty should ascertain whether it were not possible to strengthen the present Government as partially to reconstruct it by a combination with those who, not now holding office, concurred in the opinions of those who do, and professed their opinion of the necessity of union; that, failing such a combination, a portion of that third party might be willing to combine with Lord Stanley, whese difficulties in such a case would be greatly diminished; that if it should appear that both of these arrangements were impracticable, and if personal considerations stood in the way of the formation of a Government of those whose opinions appeared to prevail in the House of Commons, Lord Stanley, not underrating the extreme difficulties which he would have to encounter, would, if honoured with Your Majesty's confidence, prefer any responsibility, and even the chance of a failure and loss of reputation, to that of leaving Your Majesty and the country without a Government; and he added that he believed an Administration formed under such circumstances would be more likely to meet with support, even from moderate opponents of their views, than one which should be hastily formed without giving time to show the impracticability of a different arrangement. . . . . He feels highly honoured by being allowed to submit to Your Majesty unreservedly his whole views, and while he should be sorry that this project should fall into any other hands than those of Your Majesty, he has that entire confidence in Lord John Russell's honour that he is sure no ungenerous use will be made of any portion of it which Your Majesty may see fit to communicate to him."

My Lords, I hope I have satisfied your Lordships that when called upon by my Sovereign, I did not in the first instance, hesitate to express my readiness to sacrifice everything but my honour in attempting to serve my Queen. My Lords, I hope you will be of opinion—I know my own motives, I am conscious of the sincerity of my own conduct, and of the integrity of the motives which actuated me—I trust your Lordships will be of opinion that I have shown no undue eagerness to grasp at power—and I hope you will also give me credit for having been influenced by no motive of personal ambition, and by no desire to place myself in a position for which I was not qualified. My Lords, I hope, on the other hand, you will give me credit for not having shrunk from the duty which devolved on me, as it might have devolved on any public man, considering the difficulty to which the Queen was reduced, of tendering my best services, even at the risk of failure in the attempt, and at the risk of loss of personal reputation in consequence of failure. My Lords, I hope I shall also satisfy your Lordships that, having entered upon that important task, I applied my best energies to the accomplishment of it—and that while I did not shrink from the difficulties, immense as they must have been under any circumstances, attending the attempt to form a Government, I did not unduly prolong the period of suspense by continuing to make the attempt when I had become convinced in my own mind that I should fail. My Lords, it was on Tuesday morning that Her Majesty again sent for me, informing me that the state of things I had anticipated had come to pass—that Lord John Russell had failed in the attempt to reconstruct a Government by combination with any other party in the State—and that my noble Friend, Lord Aberdeen, having been applied to, had stated his inability to form a Government by any combination with the present Administration, or from the members of that party which I hope it will not be thought offensive if I call the Peelite party. Her Majesty reminded me of the pledge which I had given, that, in the event which had occurred, I would not hesitate to face the difficulty. My Lords, I could not hesitate as to the manner in which I should respond to that appeal; and from Tuesday morning to Thursday afternoon I was unremittingly engaged in endeavouring to carry my object into effect. In the position of parties in the House of Commons, to which I have referred, it became a matter of the utmost importance to me to obtain, if this were practicable without a sacrifice of political consistency on either side, the assistance and co-operation of some of those who, though generally acting on Conservative principles, had yet been separated by the unfortunate differences which took place in 1846 from the great body of the Conservative party. My Lords, I will here frankly say that I foresaw a great difficulty in dealing with Foreign Affairs. My first object in endeavouring to remove that difficulty at the commencement was to ascertain whether, having failed to effect a junction with the late Government, my noble Friend near me (the Earl of Aberdeen) would be willing to undertake the duties of that department, which he formerly administered with so much credit to himself, and so much to the honour of the country; or whether he and those who acted with him would remain in what I cannot but think an unfortunate position for any party of statesmen, namely, that of being unable to form a combination with one or other of the two conflicting parties, and at the same time of being unable to assume office themselves; the consequence being, that with all their ability and all their influence, they only render the formation of a Government on either side impossible. My Lords, on receiving from my noble Friend a refusal, couched in language of the most perfect friendship, which I believe was quite sincere, I next sought to ascertain whether a noble Lord (Viscount Canning) who had served under my noble Friend in the Foreign Department, was willing to give me his assistance, by carrying on the administration of Foreign Affairs. I also failed in inducing that noble Lord to take part with me. I had conferences with various parties in this and in the other House of Parliament—I will not mention names—but with respect to one individual now present, I must be allowed to say that I never felt anything more deeply than the frankness with which he at once expressed his readiness to share the responsibility which I had taken upon myself by administering a department for which I thought, and for which I believe the country would have found him, peculiarly qualified. My Lords, Mr. Gladstone was expected to arrive in London on the following day, and I felt that it would be a great advantage to secure the assistance of so able, so honest, and so upright a man as Mr. Gladstone, in the House of Commons—one who is well versed in political affairs, and who last year, in contradistinction to the party with which he is connected, supported a Motion which was brought forward by Mr. Disraeli with a view to the relief of agricultural distress. But, my Lords, after communicating with Mr. Gladstone, I found that circumstances rendered it impossible for him, consistent with his own views of propriety, to take part in the contemplated Administration. I was thus deprived of all extraneous assistance in the formation of a Government, and compelled to rely entirely on that party with which I was immediately and politically connected, and among which, as I stated before, there were few, if any, men possessed of official experience, and trained in habits of public business. My Lords, even among the members of that party I found that some of those who were well qualified to discharge public duties, were by various causes induced to decline—one, by the pressure of extensive private concerns, another, by disinclination to join an Administration which appeared to hold out no assured prospect of permanence; and a third by an undue depreciation of his own abilities. I say, from three of those individuals I received declarations of their unwillingness or inability to join an Administration. Under these circumstances, and looking at the position of the House of Commons, I thought it was time for me to come to a decision as to the course which I should pursue. On Wednesday morning, when I last had the honour of an audience with Her Majesty, I undertook by eleven o'clock this morning to communicate to Her Majesty whether the experiment on which I had entered was likely to be successful, or whether I thought I should be compelled to abandon the hope of proceeding. Yesterday afternoon there met at my house a portion of my noble Friends here, and my Friends in the other House of Parliament, who had consented to take part in the Government, should it be formed. The whole state of the case was then anxiously and deliberately considered; and I believe I have their strong concurrence when I state, that it was their view, as well as my own, that although I might have been enabled to present to Her Majesty a list of names of Gentlemen who would have been fully competent, with the aid of an assured majority of the House of Commons, to carry on creditably and practically the business of the country, yet I could not lay before Her Majesty a list of a Cabinet, especially of Members sitting in the House of Commons, strong enough to face a powerful majority in the other House of Parliament—a majority ready to combine for purposes of opposition, though unable to act together for the purposes of government. I could not undertake to say that the Cabinet which I could present to Her Majesty would be such as to enable me for any length of time creditably to carry on the public business in the House of Commons against a powerful and numerous majority. My Lords, I stated, further, to Her Majesty—and I am the more anxious to say so, because misrepresentations have taken place on this subject—at the interview with which I was honoured by Her Majesty, I stated that the difficulty would be very great of the formation of a new Administration under any circumstances, as, owing to the position of public business at this time of the year, they would be exposed to the necessity of sitting for a considerable time a minority in the presence of a powerful majority—for that in the state of public business it was not possible, nor would I venture to advise Her Majesty at this time to have recourse to a dissolution of Parliament for the purpose of testing public opinion. My Lords, I state this, because I know an impression has prevailed that what has been called my first resignation was the consequence of the demand on my part that Her Majesty would give me the power of dissolving Parliament—a demand with which it has been said Her Majesty refused to comply. For that statement there is not the shadow of a foundation. I hope I know my duty to my Sovereign too well to insist upon a pledge upon a question with respect to which no Sovereign ought to give a pledge. On the other hand, I am confident that Her Majesty knows too well, and respects too highly, the mutual obligations, if I may venture to use the phrase, which subsist between a constitutional Sovereign and Her responsible advisers, to refuse to me, or to any Minister who may be honoured with Her confidence, the ordinary powers entrusted to a Minister, or to depart from the ordinary understanding of being guided by his advice; and I am authorised on the part of Her Majesty distinctly to state that no person would be justified in saying or holding out the belief that if I had felt it my duty to recommend to Her Majesty the dissolution of Parliament, Her Majesty's consent would have been withheld. But, my Lords, in the position in which we should have found ourselves, in presence of a hostile majority—a dissolution being impossible in consequence of the state of public business, and unadvisable, perhaps, at this moment on other grounds—I say, my Lords, we came to the conclusion that in such a state of things we could not, satisfactorily, carry on the business of the country, and that it was my duty, therefore, to take the first opportunity of laying before Her Majesty my resignation of the trust with which She had honoured me. I made the communication which I felt it my duty to make to Her Majesty yesterday evening at five o'clock. The noble Marquess has stated what has taken place since. I have only to add, that, so far as my communications with Her Majesty were concerned, nothing could exceed the condescension and the graciousness of manner—and more than of manner—with which any proposition from me has been listened to—with which any communication or any advice which I felt it my duty to tender to Her Majesty, has been received; and the confidence with which Her Majesty has thus honoured me, only adds to the regret which I feel that I in vain endeavoured to perform Her Majesty's service. I have no complaint to make of any one. I did not take upon myself the task of forming an Administration; I have not endeavoured to thrust myself into power. It was by no act of mine or of my friends that the late Government fell; it was by its own intrinsic weakness, and from the division among its own supporters that that Government was dissolved; and when it fell, I felt no exultation at the event, and I felt no undue anxiety to seize the offices they had held. In the position in which I was, I should not have been justified in assuming the responsibility of office unless I was assured that that assumption was the only practical mode of forming an Administration. But entirely concurring, as I do, in the remark which the noble Marquess opposite has made, that whatever sacrifice a public man might fairly and reasonably be called upon to make, he could not for any length of time carry on the business of the country without the support of a majority in Parliament, and feeling that this was not a period to take steps for ascertaining the opinion of the country, I found it was only my duty humbly to request to be relieved from taking upon myself the responbilities of office, which I could not have discharged satisfactorily for any length of time. There is one point to which I wish to refer in justice to Her Majesty and the noble Lord, Lord John Russell. I have already alluded to a report which prevailed with regard to an alleged difficulty which was said to exist in the event of my recommending a dissolution of Parliament, which I did not only not venture to recommend, but expressly said that at the present time a dissolution was impracticable. I have already stated the circumstances under which this letter which I hold in my hand was written. Her Majesty, in the course of our communication, said She presumed I had no objection She should state what had taken place between Her Majesty and myself to Lord John Russell, to whom She was about to give an audience. Of course I said whatever I had stated was perfectly at Her Majesty's disposal to be used in whatever manner She

pleased; and shortly after I arrived at my own house I sent this statement of what had taken place to Her Majesty, in order to prevent the possibility of any misconception. Immediately on my leaving the Palace, I believe Lord John Russell returned. Now, I wish to state those circumstances, to refute the reports which I see have been industriously circulated, either that Her Majesty was treating with other advisers while carrying on a communication with me, or that the noble Lord had unduly thrust himself forward while other negotiations were pending. At half-past four o'clock my resignation was tendered; at half-past five Lord John Russell was sent for; and at half-past six this copy of what took place at my audience of Her Majesty was sent, and was by Her Majesty communicated to Lord John Russell. I mention these facts, in order that it may not be supposed by any portion of the public that Her Majesty communicated with one Minister while another person who had been charged with the responsility of attempting to form a Government had not resigned that duty; or that, on the other hand, Lord John Russell had taken the presumptuous step of forcing himself upon the attention of the Sovereign while negotiations were going on with another person whom Her Majesty had intrusted with the duty of forming an Administration. I might here stop, so far as the personal explanations which I am able to make are concerned; but I cannot do so in the present strange state of political affairs, without adverting for a few moments to some of those leading topics which appear at this time to present an insuperable obstacle to the union of public men. That I am mortified—that I feel it as a mortification—that I have been unable to form a Government which could carry on satisfactorily the affairs of the country, I will not pretend to deny; but I trust your Lordships will not suppose that I entertain any hostility, apart from political differences, towards those to whom I am politically opposed. I may, however, be permitted to express my regret, not upon personal but upon public grounds, that I was unsuccessful in forming an Administration; for I might, I think, have brought to a satisfactory issue two or three important questions which appear to be the great stumblingblocks of politicians at the present moment. It may be presumptuous in me to say so; I might, perhaps, have been deceived in my expectations; but, having no object in concealment, and thinking that a frank declaration of opinion at this time from public men may not be injurious to the country or to the possible successors of one who has failed in framing an Administration, I will step out of the ordinary course which, under other circumstances, I should pursue, and will frankly state the course which, if I had been enabled to form a Ministry, I should have felt it most desirable to adopt with respect to these important questions—with reference to the financial condition of the country—with reference, as combined with the financial question, to the relief of agricultural distress—and with regard to that all-important question which has been stated by my noble Friend above me to have been the main point upon which he found it impossible to form an Administration. I begin, then, by saying, that financially I hold it to be an object not only of vital importance, but one to which the faith of successive Ministries has been pledged, that the income tax should not be permitted to degenerate into a permanent tax. In 1842 Sir Robert Peel introduced that tax. He introduced it for a limited period, with the express declaration that it was to enable him to deal with other portions of the financial system of the country in a mode which he hoped would conduce to the benefit of commerce generally, and would raise the revenue to an equality with the expenditure; and he pledged himself that at the expiration of that period the income tax should cease. Without that pledge there is not a man living who believes that the House of Commons, in 1842, would have consented to the imposition for an hour of a tax which has always been held to be the resource in time of war—which has always been deprecated in time of peace—and which, take it as you will, levy it as you please, must be full of anomalies and inconvenience, pressing variously upon different classes of the community with a complicated injustice that no modification can altogether remove. Sir Robert Peel anticipated, when he proposed the tax, that it would be continued for five years; but, in the first instance, he asked Parliament to sanction it for three years, expressing his assurance that Parliament would not refuse to continue it for the remainder of the time during which he believed it would be necessary, should circumstances prove that the system was working well. The first renewal, therefore, in 1845, was only the fulfilment of the original scheme of Sir R. Peel, and the extension for the remainder of the term which he had anticipated, and announced as in his opinion necessary, when he introduced the measure. The year 1848, when the renewal of the income tax was proposed, was a period, as your Lordships will recollect, of the deepest distress, following immediately upon the disastrous year 1847; and, to maintain the credit of the country, it was absolutely necessary to continue it. But we have now arrived at a very different state of things. We have, in the first instance, a surplus of 2,500,000*l.* to deal with. We have, it is said, a state of general prosperity in the country. I do not wish to deny the existence of that prosperity, though I fear I see indications in some quarters that it is not as permanent or as fully established as some of your Lordships may imagine. But, when the country is in a state of general prosperity, when we have a surplus revenue of 2,500,000*l.*, and at the expiration of nine years from the time when the income tax was imposed, I hold that a further renewal of that tax, without any security taken either for its modification or abolition, would be virtually declaring that the income tax shall be saddled upon the country for ever. When I remember, too, that the Chancellor of the Exchequer declared in his budget that there were various other classes of the community as well entitled to relief as the class which paid the window duties, and that he stated that when he had disposed of the paper duties, the tea duties, and the tobacco duties, and had equalised the system of taxation generally, he would be prepared to deal with the income tax, I think it is not assuming too much to suppose, that if Parliament had again allowed the renewal of the income tax without any steps being taken for its limitation, they would virtually have imposed that tax upon the country permanently. A short time before the introduction of the budget it was generally understood to be the intention of Ministers to renew the income tax without alteration, and there was a very general feeling on the part of many persons in favour of an opposition to the income tax, while they demanded the total abolition of the window duties. I was consulted at that time as to the propriety of taking that course as a party move; but I did not hesitate to state that I never would be a party to any step or measure in Opposition, which, if I were charged with the responsibility of Government, I did not see my way towards being able to accomplish; and, believing that the credit of the country would not at this moment bear the entire abolition of the income tax, I stated that I could not support a measure which would leave a deficiency of at least 2,500,000*l.* in the revenue. I was, however, of opinion that a course should be taken declaratory of the determination of Parliament to deal with the income tax as rapidly as the state of the national finances would allow, and that its reduction should not be rendered a matter of impossibility by frittering away every surplus as it arose. I believe that, without interfering with the credit of the country, dealing with the existing surplus, without attempting to alter or reduce other taxes, in the course of this year a reduction of from one-third to one-half in the amount of the income tax might safely and beneficially be effected. I was desirous that Parliament should, by some resolution, pledge itself to the gradual reduction of the income tax, with a view to its final abolition; and I should have been prepared, if the duty had devolved upon me, to recommend to Parliament to grant only such a renewal of that tax as would reduce its amount by one-third or one-half; and I should have been prepared to pledge myself that any surplus revenue that might arise should, in the first instance, be applied towards the further reduction and final extinction of that tax. But I may go further, for I may state now that which I was not justified in stating—at least, I did not feel called upon to state—in answer to an appeal made to me a few nights ago by a noble Lord who is not now present. I will take this opportunity, therefore, of explaining to your Lordships, fairly and frankly, what are my views and intentions upon the subject of agricultural distress. I hold it to be an admitted and undisputed fact, that the land is at this moment the only suffering interest, and that it is labouring under an amount of taxation of various descriptions far exceeding the amount which falls upon other classes of the community. I believe also—and it will not be contradicted, I think, by any one—that the result of the measure of 1846 for the total repeal of the corn laws and the unrestricted introduction of foreign corn, has had an effect upon prices far more extensive than was expected, more extensive than was desired, and more extensive than could possibly have been anticipated by the framers of the Bill. When the corn laws were repealed, it was asserted, and endeavoured to be proved, that, under ordinary circumstances, from the state of foreign markets, the price of corn could not, on an average, fall below 48*s.* We now see it at 37*s.* or 38*s.*; and, with no desire to check the free exercise of commerce, with no desire to reverse the general policy of the commercial system introduced by Sir Robert Peel, I say that, by imposing a moderate duty upon the importation of foreign corn, you might raise a very considerable revenue for the country, while you would not materially raise the existing price to the consumer; but you would, by the acquisition of a duty of 1,500,000*l.* or 2,000,000*l.*, enable the Government more rapidly to effect that object to which I have referred as of great advantage to the community at large — the extinction of the income tax. I do not hesitate, therefore, to say that, if it were found impracticable, as I think it would be, to effect such a commutation of the system of taxation as to place all classes upon a perfect level, then, according to the best free-trade authorities, it is not adverse to the principle of free trade to impose, in favour of the class which is subjected to an undue share of burdens, countervailing duties to an amount sufficient to meet those burdens; and I believe that, by the imposition of a moderate duty upon the import of corn and provisions, you might raise such an amount of taxation as, at the end of the year after this, would enable the country altogether, and I trust for ever, to abolish the income tax. I venture to say that that relief of the finances of the country, and the removal of that pressure of taxation, would infinitely and immeasurably exceed any possible trifling alteration in the price of food—and trifling indeed it must be—which could touch the consumer. I do not want to enter upon the general question. I express my frank opinion, that the question of protection, or, if you please, the question of the unrestricted import of provisions, is one which must be settled by the country, once and for ever, whenever an appeal is made to the country for its decision. I cannot take the present policy as more than an experiment in the course of being carried out. Should the next general election prove that the sense of the country is in favour of the perfectly unrestricted import of all provisions, unaccompanied by those duties which, in other countries, are imposed for purposes of revenue upon all articles, and which, in this country, are imposed, and to a vast extent, upon articles of prime necessity for consumption hardly inferior to that of bread itself—I say, if that be the opinion of the country at the next election, I, for one, and I believe the majority of your Lordships and of Parliament, will respectfully bow to that expression of the sense of the country. But until I see that expression of the feeling of the country, when I find that the present system is working an amount of evil far greater than was anticipated either by its friends or by its opponents—certainly greater than I anticipated myself—I cannot, as an honest man, abandon the attempt to relieve the existing distress, by retracing the false step which has been taken, and to remedy the wrong done, by the imposition of a moderate import duty upon corn. We have been told that the labouring classes in the agricultural districts are well off. Now, in some counties and districts, perhaps, distress has not reached the labourer so soon as it has touched his employer: that may be so; but that is a state of things which cannot continue; it is as impossible for labourers to continue in a state of prosperity when the employer of labour is daily, weekly, and hourly seeing his capital diminish, and his means dwindle away, as it is for a river to continue to flow if you cut off all the springs by which it is supplied. I feel that an apology is due to your Lordships, particularly upon such an occasion as this, for venturing to state incidentally, but I hope frankly, the views I entertain, and the policy which, undoubtedly, I should pursue. I have no desire to reverse the commercial system of Sir Robert Peel; but to modify it in those cases in which a modification would, I think, largely recruit the revenue, and enable you to take off unjust taxes, as I conceive them to be, might not injure the consumer, and might arrest the progress of that ruin which I foresee rapidly coming upon the most important class of this country.

One word now, my Lords, upon the important question of Papal aggression. My noble Friend above me (the Earl of Aberdeen) has stated his strong conviction, that no penal measures should be adopted now, or at any time, for restricting religious opinion. No man can feel that more strongly than I do, or more entirely concur with my noble Friend. I should be the last man to consent to the introduction of any measure which would deprive any portion of my fellow-countrymen of the free and full exercise of their religious opinions, and the free and full performance of their religious duties. But I must draw a distinction between penal laws directed against religious opinions, and Parliamentary legislation directed against foreign aggression and interference. I know not whether the Pope and his emissaries have violated the law or not; but Lord John Russell, in his too celebrated letter, declared his intention to ascertain from the law-officers of the Crown whether the law had been violated; and stated that if it had not been violated, he would propose an amendment of the law. I think the act of the Pope, in itself of minor importance, was rendered infinitely more important by the insulting tone and offensive manner in which it was, in the first instance, introduced — announced as the act of an authority claiming jurisdiction over the realm of England, and assuming to interfere with the undoubted rights and prerogatives of the Crown, and with the independence of Parliament. I think that was a proceeding which it was impossible, consistently with the dignity of the Crown and of Parliament to pass over; but I cannot say I approve of the mode in which it has been sought to meet that insult. I cannot but think that the measure which has been introduced by the Government, bears upon the face of it the marks of passion and of haste rather than of mature and calm consideration; and for my own part I confess, if that were to be the extent of the legislation contemplated by the advisers of the Crown, I think, with my noble Friend above me, that it would be better not to legislate at all, than to legislate ineffectually. A strong feeling of indignation has been raised on the part of the Protestant portion of the community, vast irritation has been excited among the Roman Catholics, and, after all, a measure is introduced which will, I fear, be practically altogether inoperative. If the law had not been violated, I think the offence would have been more aptly met by a resolution of both Houses of Parliament, declaring in the first instance the unconstitutional character of the aggression, not recognising the validity of the titles which were assumed to be conferred, and declaring that in virtue of those titles the holders or assumed holders of them had neither precedence nor authority of any kind within this realm. [Lord ABERDEEN: Hear!] Yes; but then I am afraid I should have separated from my noble Friend, and been disposed to go further than he would follow me. I think the Bill of the Government does not touch the real danger. I think it touches the insult, and it touches it ineffectually; but the real danger is this—the gradual growth and encroachment of the power of the Pope, and of the prelates acting under his authority, in interfering with matters not purely and strictly religious, and in assuming to themselves powers which, if not in violation of the law of the land, are at variance with that law. While I contend that religious freedom ought to be strictly guaranteed, I say, on the other hand, that Papal aggression ought to be as strenuously resisted now as it was resisted in the days of our ancestors; but I frankly say, that I am not prepared to legislate upon this subject at the present moment. I do not think the amount of information before us as to the facts of the case justifies us in legislating; and this is a question of all others upon which, if you do legislate, you must legislate deliberately, upon full information, and in such a manner as to make your legislation effective. I believe the law is in a most anomalous state on this subject. The recent amendments of the law have left, in this case, the absurdity that it is declared high treason to introduce a bull or rescript from Rome; and, as the offence is still declared to be high treason, it is impossible to proceed against it as for a misdemeanour, and yet the penalty is altogether taken away; the law is thus rendered wholly inoperative. There are various points on which it is right that Parliament and the country should be acquainted with the practical results which would follow from the assumption of power, recognised or connived at, on the part of the Roman Catholic priesthood in this country. For example, what effect will the fact of the Roman Catholic bishops being enabled to meet in synod have upon the binding character of their enactments? Do they, by acting in an organised body, obtain an authority recognised by all Roman Catholics as a legislative authority, which when they are not so acting, they do not possess? If so, the question becomes of importance, not whether there shall be a Roman Catholic Bishop of Birmingham, but whether there shall be in this country an *imperium in imperio*, a body of men acting in synod, and passing laws which, enforced by the most awful of all penalties—the spiritual censures of the Church, have a power over a vast portion of the Roman Catholic population superior to that of the law of the land? In 1829 the Roman Catholic Relief Act introduced various restrictions which were called at the time securities for Protestants. That measure required that registers should be kept of the members of all religious communities, and subjected to banishment persons who were not so registered. Is that a power which it is necessary to possess? If it is necessary to possess it, why is it not exercised? If it is not intended to be exercised, why does it remain upon your Statute-book? We, since 1829, have connived at the gradual encroachments of the Roman Catholic Church. We have shut our eyes to her encroachments on the law, but we have shut our eyes intentionally. The Pope, by his late proceedings, has declared that there shall be no connivance at such encroachments—that there shall be no alternative between that which we prohibit, and that which we distinctly allow. I think it unjust and unwise to prohibit by law that which you mean to permit in practice. I conceive that there are grave questions depending upon the position of Roman Catholics in this country with regard to the rights of their own Church, to the disposition of property, and the manner in which trust property is held for Roman Catholic purposes. I think it is a subject for inquiry how religious houses of various descriptions are carried on in this country; and it is a grave question whether all religious houses should not be subjected to the power of visitation, in order that it may be ascertained that no persons are retained within them contrary to the law of the land. But upon the whole of this question relative to the position of the Roman Catholic population, with regard to this State and to a Foreign Power, I believe that Parliament and the country are equally ill-informed. If it be necessary that Roman Catholics should have communications upon purely spiritual questions with Rome, I say, do not shut your eyes to the fact that these communications take place; permit such communications as may be necessary for purely religious purposes, but at the same time effectually prevent any proceedings which interfere with the civil rights of Her Majesty's subjects. This is a subject which ought to be dealt with upon a great scale, temperately, deliberately, and upon full information; and the loss of one, or even of two years, if it were necessary, would be an evil of little magnitude compared with the evil of dealing hastily and ineffectually, passionately, and in an irritating manner, with this great and important question, the chief evils and dangers of which you leave wholly untouched by your proposed legislation. I should have recommended that, in both Houses of Parliament, inquiries should take place as to the actual relation in which the Roman Catholic subjects of the Queen stand towards the State, towards any foreign Power, and towards their own priests and prelates. I would have advised that this subject should be fully investigated, the present anomalies of the law really exposed, and amendments of the law suggested for the consideration of Parliament; and, though I know the difficulties of dealing with such a subject, I believe it would not be impracticable to introduce measures which should secure this country from the interference and usurpation of a foreign Power, and at the same time should not take from, but add to, the religious freedom of our Roman Catholic fellow-subjects, and place the Roman Catholic laity in a condition far more satisfactory to themselves than that in which they are at present—under the uncontrolled domination of the bishops and clergy of their Church.

I feel, my Lords, how greatly I ought to apologise for having detained you at this length. I have failed in the task which the favour of my Sovereign assigned me; but I have been placed in a position of great difficulty, as indeed difficulties exist on all sides, arising out of the three or four complicated questions to which I have alluded, that keep apart men between whom, upon other questions, there may be comparatively little difference of opinion. However little authority I may pretend to, I was anxious that my views should not be misinterpreted, and I trust your Lordships will not think that I have unduly trespassed upon your time in making a full and frank declaration of the course of policy which, if I had been called to office, I should have ventured to recommend. I trust your Lordships will be of opinion, that, on the one hand, I have not been unduly ambitious of power, and that, on the other hand, you will think that I have neither unduly shrunk from responsibility, nor pertinaciously persevered in attempting to form a Government when I saw it was impracticable. And I hope, above all, that you will not see in any part of the course I have pursued anything which would be discreditable to my motives, or derogatory from that fair character which I hold to be the most estimable possession of all statesmen and public men.

The MARQUESS of LANSDOWNE: I will not follow the noble Lord through the various topics to which he has alluded in the course of his speech, but I am desirous of correcting some misapprehension which appears to exist with respect to my description of what passed between the noble Lord and Her Majesty. What I said was, that the noble Lord having been sent for by Her Majesty, and having been supposed to have been sent for to undertake the task of forming an Administration, the noble Lord had left Her Majesty, stating that he was not then prepared to undertake that task; and, if I am not much mistaken, I laid a considerable emphasis on the word "then," being aware that that did not infer the impossibility of undertaking the task under other circumstances. That was the state of things—the noble Lord was not then prepared; and, in consequence of his not being then prepared, my noble Friend (Lord J. Russell) was sent for, who would not have been sent for if the noble Lord had been so prepared; and, my Lords, upon that I thought it would have been travelling out of my part if I attempted to do that for the noble Lord which he would soon afterwards have the opportunity of doing for himself, namely, on behalf of the noble Lord, to develop and explain what were the particular circumstances which then prevented him from undertaking the task of forming an Administration. I am extremely glad he has had the opportunity now. I was aware that opportunity would soon afterwards present itself; but I am bound to say the noble Lord has availed himself of it in a manner and in a spirit, and with a manliness of purpose, that does honour to him. Now, my Lords, having set that matter right, I must refer for one moment to one most important topic of the speech of the noble Earl (the Earl of Aberdeen) who spoke immediately after me. In the course of the explanation by that noble Earl, he has thought it necessary to advert, at more length than I should have expected he would have done on this occasion, not only to the circumstance—which is quite correct—of the difference of opinion on the subject of the Roman Catholic Bill having been the chief, if not the only, difference which had occurred between him and my noble Friend Lord John Russell; but, in stating that difference, he has proceeded at some length to characterise the measure proposed by my noble Friend in the other House of Parliament. I could not sit still in this place and hear that measure so characterised without protesting against the justice of the character he has given to that measure. I am distinctly anxious to state, that whereas the noble Earl has described that measure as one of a penal character against the Roman Catholic religion—I am not sure he did not introduce the word "persecution," a word which I hope was uttered in an unguarded moment, but I have only to state it was as far from the thought of my noble Friend—I am sure it was as far from my thought as it was from that of the noble Earl—to introduce or to carry any measure the effect of which should be to direct penal consequences against the exercise of the Roman Catholic religion. I feel, and those who have thought with me feel, that such a measure might be necessary under the circumstances of that insult which has been offered to the Crown and to the people of this country, to pass some enactment vindicating the honour of the Crown and the independence of the country. I nevertheless think we ought to continue and tolerate the Roman Catholic religion, and that to interfere with its exercise by enactment would be a gross injustice and absurdity, and attended with the worst of consequences. I will not now enter into the provisions of that Bill; but I will say that the ground upon which it was introduced was simply that of protecting this country against foreign influence, that foreign influence making use of the Roman Catholic religion as an instrument; and the intention with which—I am not saying whether properly executed or not—but the intention with which the measure was introduced was to protect the Protestant and Roman Catholics—the Protestant laity and Roman Catholic laity—against intervention on the part of the Pope which had been shown to be mischievous and dangerous before, and might be mischievous and dangerous again. That is the distinction I wish to make; far from having at any time wished to debar persons professing the Roman Catholic religion in England or in Ireland from any of their privileges, or any of those powers which are necessary to that exercise, I shall feel it my duty at all times to facilitate that exercise, and to protect that religion; but, at the same time that I do this, I feel it is a duty incumbent on the Crown and Parliament to defend the prerogative of the Crown when that is openly attacked, and to maintain the independence of the country from any foreign authority, dominion, or influence whatever. Whenever a discussion on that subject shall take place, I wish it should take place with that protest on my part of what I am sure was the object of the late Government and of a great majority of both Houses of Parliament—to resist an insult on the Crown, and in no way to interfere with the exercise of religion; and I may state here, that independently of that disposition which my noble Friend late at the head of the Government naturally felt in his intercourse with the noble Earl and his right hon. Friend on this subject, he was prepared, independently of that wish, to make such alteration in that Bill which, while it attained its object of a distinct declaration against that foreign invasion, should at the same time remove any misapprehension which might possibly be entertained in this country or in Ireland, as to its possible effect on the exercise of the Roman Catholic religion and the full enjoyment of every Roman Catholic privilege by those authorities by whom alone the Roman Catholic religion can be carried on. I do not wish to go into the various topics to which the noble Lord opposite (Lord Stanley) has referred; but my noble Friend near me reminds me of one point upon which it is necessary to correct a misapprehension, a misbelief rather, on the part of the noble Lord. The noble Lord said, there was strong reason to suppose that, independently of the want of support of the other House of Parliament, other considerations had prevailed with the late advisers of Her Majesty in the course they had taken of resigning. I beg to say it was entirely owing to that want of support, as evinced, not upon one occasion, or of an accidental vote which took place at an early hour in another House—it was a general absence of that support in the other House, and no difference of opinion amongst ourselves, which induced us to take that course.

Lord STANLEY: What I said was, I could not divest myself of the opinion that, independently of the two circumstances referred to, namely—the smallness of the majority on Mr. Disraeli's Motion, and the subsequent defeat on Mr. Locke King's Motion, there were other questions upon which the difficulties were so great—the fear of opposition from their own supporters was so great, that, independently of those two questions of Papal Aggression and the

Budget, it had largely entered into their consideration in inducing the noble Lord to resign—an event that took place so suddenly, that, if I am not mistaken, the noble Marquess was out of town at the time; the noble Earl near him, if I am not mistaken, received the information while he was in the City that the Cabinet of which he was a Member no longer existed; and the noble Earl the Lord Privy Seal, although a near relative of the noble Lord, was as little acquainted with the intention of the Cabinet as he was with the Pope's intention, and that the noble Lord, when he wrote to the Queen announcing his intention to resign, had not consulted his noble relative.

The **Marquess of LANSDOWNE** stated that he was out of town at the time referred to by the noble Lord.

House adjourned to Friday next.

HOUSE OF COMMONS,

Friday, February 28, 1851.

Minutes.] New Members Sworn.—For Bedford County, Richard Thomas Gilpin, Esq.; for Glamorgan County, Sir George Tyler.

Public Bills.—1ª Smithfield Enlargement.

3ª Ecclesiastical Residences (Ireland).

THE MINISTERIAL CRISIS—EXPLANATIONS.

Order of the Day for the Second Reading of the Ecclesiastical Titles Assumption Bill read.

Lord J. RUSSELL: Sir, in moving the postponement of the Order of the Day for the second reading of the Ecclesiastical Titles Assumption Bill, I will take the opportunity of stating to the House what has occurred since I asked the House on Monday last to consent to an adjournment to this day. Before doing so, however, I think it necessary to notice a contradiction which I received to a statement I made on Monday. I stated that Lord Stanley, having been sent for by the Queen, had stated to Her Majesty that he was not then prepared to form a Government, and that thereupon I was required to repair to Buckingham Palace. I received from the hon. Member for Buckinghamshire a contradiction to that statement in terms very peremptory, and in a manner not very courteous. I feel it due to my own honour to state, in the first place, that nothing was further from my intention than to misrepresent the conduct of Lord Stanley. For Lord Stanley I have the greatest respect. I have fought Parliamentary battles side by side with him; I have fought face to face against him; and in every situation I have ever had occasion to admire his spirit, his courage, and his honour. Therefore I should be sorry indeed if anything which fell from me did not convey a correct representation of what he had stated on the subject. But the House will recollect that it was my duty not to go into details—not to allude to particular circumstances—not, above all, to narrate what I had heard of conversations, but to present what appeared to me to be the general result of what had passed. It was quite necessary I should state a reason why, after having taken leave of Her Majesty, I was required to repair again to the Palace. That this was necessary, I say, is obvious from the various statements that were circulated—some previously to the contradiction given by the hon. Member for Buckinghamshire, and some subsequently—statements which represented that Lord Stanley was anxious to form a Government, and represented me as having endeavoured to force my way uninvited to the presence of the Sovereign, while Lord Stanley was engaged in negotiations for that purpose. Now, what occurred was this: His Royal Highness Prince Albert wrote me a letter on the afternoon of Saturday, which, with Her Majesty's and His Royal Highness's permission, I will read to the House. I will read the whole that is contained in the note:—

> "Lord Stanley has, after a conference of more than an hour, declined undertaking the formation of a Government at present, until it should be clear that no other Government could be formed. The Queen has sent for Lord Aberdeen and Sir James Graham, and wishes to see you immediately."

I could do no other on that representation, than conclude that Lord Stanley had declined, for the present, to form a Government, until he had seen that no other Government could be formed, and could not have imagined that two days after it would be a misrepresentation of Lord Stanley to say that he had not then been prepared to form a Government; for it will be recollected that I used the words "not then prepared." Every one who has ever been admitted to the presence of Her Majesty is aware of the accuracy of her memory, and of the precise view She takes of all that comes under her observation. But although

I received from the Queen, in some detail, what had passed with Lord Stanley, I do not rest on any such statement in what I now say; but on a written account of the interview between Her Majesty and Lord Stanley, which Lord Stanley sent to the Queen in the course of the same evening, and from which Lord Stanley has permitted me to read to the House extracts containing all that bears on the point in question. Let me observe that if I go into these particulars, it is in consequence of the contradiction of the hon. Member for Buckinghamshire. I was satisfied to leave the case with the few words which I stated on Monday, without going beyond that general representation. Lord Stanley thus reports to the Queen what he had stated in her presence:—

> "After stating to Your Majesty the position of the three main parties into which the House of Commons is divided, Lord Stanley observed, that the policy of the present Administration had met with the general approval and support of the most distinguished men of the party which adhered to the late Sir Robert Peel, and that they had never yet met with a defeat from Lord Stanley's political friends; that a very important Member of that party, Sir James Graham, had publicly declared his opinion of the necessity of 'closing their ranks' to resist the presumed policy of Lord Stanley's friends; and as Your Majesty had been pleased to inform him that no communication had been made to any one previous to that with which Your Majesty honoured him, he ventured to suggest that, in the first instance, Your Majesty should ascertain whether it were not possible to strengthen the present Government, or partially to reconstruct it by a combination with those who, not now holding office, concurred in the opinions of those who do, and professed their opinion of the necessity of union; that, failing such a combination, a portion of that third party might be willing to combine with Lord Stanley, whose difficulties in such a case would be greatly diminished; that if it should appear that both of these arrangements were impracticable, and if personal considerations stood in the way of the formation of a Government of those whose opinions appeared to prevail in the House of Commons, Lord Stanley, not undertaking the extreme difficulties which he would have to encounter, would, if honoured with Your Majesty's confidence, prefer any responsibility, and even the chance of failure and loss of reputation, to that of leaving Your Majesty and the country without a Government; and he added, that he believed an Administration formed under such circumstances would be more likely to meet with support, even from moderate opponents of their views, than one which should be hastily formed without giving time to show the impracticability of a different arrangement."

I ask the House whether these passages do not bear out my statement that Lord Stanley was not then prepared to form a Government? At the close of his letter Lord Stanley says:—

> "He feels highly honoured by being allowed to submit to Your Majesty unreservedly his whole views, and while he would be sorry that this paper should fall into any other hands than those of Your Majesty, he has that entire confidence in Lord John Russell's honour, that he is sure no ungenerous use will be made of any portion of it which Your Majesty may see fit to communicate to him."

I have the gratification of being able to state, that after I made my statement in this House, Lord Stanley, while he informs me that he does not agree in that statement, does not wish to qualify in the least degree the last portion of his letter. It is satisfactory to me to be able to make this statement to the House, and to say that the extracts I have read to the House have been read with the entire consent of Lord Stanley; indeed, Lord Stanley wished them to be read in any statement which I might make. Having thus explained what I said on a former day, I have now to state that, having been desired by Her Majesty to attempt the reconstruction of the Administration, Her Majesty was pleased, as Prince Albert states in his note, to desire the Earl of Aberdeen and Sir James Graham to attend at Buckingham Palace. By Her Majesty's desire I met the Earl of Aberdeen and Sir James Graham at the Palace, and afterwards had communications with them on the subject of the formation of a Government. After the extracts which I have read from Lord Stanley's letter, I feel it right to say that no personal considerations stood in the way of the formation of a Government representing the opinions which seem to prevail in this House. If the Earl of Aberdeen and Sir James Graham did not concur in the formation of a Government, it was not because personal considerations stood in the way. With respect to several points of public importance on which we communicated, although there was not any particular agreement, yet there was not such diversity of views as might not, by further communication, have been reconciled; but there was one point on which it was felt impossible, either for the Earl of Aberdeen and Sir James Graham, or myself, to give way. That subject was the Bill I introduced relative to the assumption of ecclesiastical titles. I stated—and I will presently explain what I meant in so stating—that I was willing to agree to considerable alteration and modification of that Bill; but that I thought it necessary to persevere with the measure. The Earl of Aberdeen and Sir James Graham, however, declared that in their opinion any legislation on the subject was unnecessary. This, therefore, was a point on which we differed so widely, that in our opinion it was impossible to form a Government by our junction. As soon as I found that the objections of the Earl of Aberdeen and Sir James Graham to legislation on this subject were insuperable, I again repaired to Buckingham Palace, and humbly laid before Her Majesty the commission with which I had been intrusted. It has been erroneously stated in the public papers that in the course of the same evening I met the Earl of Aberdeen and Sir James Graham at the Palace. After laying down the commission I had received, I did not again meet them at the Palace, and we made no further attempt to form an Administration. But from the communications which had previously taken place, I have at least derived this satisfaction—that I have renewed with the right hon. Member for Ripon those ties of friendship by which we were formerly connected, and which, until during the struggles and difficult circumstances that occurred on the dissolution of Earl Grey's Government, and led to the resignation of the right hon. Gentleman, it was my pleasure and my pride to enjoy. It is therefore a pleasure and a comfort to me to renew the relations of friendship in which we formerly stood towards each other. I will not proceed to give any narrative of what occurred subsequently to my resignation of the commission with which I was intrusted by Her Majesty. The right hon. Baronet himself can state what occurred with respect to anything of that kind. The result was, as the House well knows, that Lord Stanley was again sent for by the Queen; and yesterday evening I was informed that Lord Stanley had resigned his commission into the hands of Her Majesty. Of course, with respect to the reasons of his so doing I am entirely ignorant, and will not pretend to conjecture; but this morning, I was informed that Her Majesty had been pleased, in these difficult circumstances—so many and such various attempts to form a Government having failed—to command the attendance of an old and faithful servant of the Crown—one whose wisdom in civil affairs is hardly less than the glory which he has derived from his military achievements—I mean the Duke of Wellington. Her Majesty—I think most wisely—means to take counsel from that eminent man, and to pause for a while before She again commences the task of forming an Administration. I therefore end this narrative, as far as I am concerned, by desiring the House also to pause until some further step be taken. I cannot, however, well omit this opportunity of making some remarks, if the House will allow me, on the most important of the subjects which have been brought into discussion within the last few days. Let me say, in the first place, that the statement which I made on a former day does not seem to have been understood by all who were present on the occasion; for I was informed by a right hon. Gentleman, that I was understood to say that those Members of this House who voted in favour of the Motion of the hon. Member for East Surrey had thereby given a vote of want of confidence in the Government. Now, what I said was directly the reverse of that. I said that, no doubt, the Members who voted for that Motion gave a vote upon the merits of the question before them; but that, nevertheless, the effect of the vote was the weakening of the Government; and I will say now, that, had it not been for the event which immediately preceded that vote—I mean the division on the Motion of the hon. Member for Buckinghamshire, and divisions which I have every reason to expect on other subjects—I should not have thought the division on the Motion of the hon. Member for East Surrey alone a sufficient cause for the resignation of the Ministry. It was, however, impossible to avoid seeing that the Ministry must sustain a harassing conflict, terminating, it might be, in defeat; and I thought it better to resign in the first instance than to remain at the risk of the loss not only of power, but of character, to the Government. There is one charge which I could hardly have expected to be brought against me—I allude to the charge that, foreseeing the difficulties of the present circumstances of the country, I shrank from the responsibility of conducting public affairs. Such motives might, perhaps, have been imputed to me if, when Ireland was afflicted with a dreadful and almost unprecedented famine—when 3,000,000 of her people were fed by public charity, and when it was doubtful whether, in those circumstances, life and social order could be preserved, I had shrunk from the difficulty of the case. It is possible such motives might have been attributed to me if, at a later period, when the whole commerce of England was in a state of disturbance and confusion—when we heard every day of failing banks and broken merchants—when the principal bankers of London came to me and my right hon. Friend the Chancellor of the Exchequer to ask us to suspend the law, and to seek an Act of Indemnity for its suspension—I had shrunk then from the difficulties of my position. Such motives might have been imputed to me if, at a later period, when the whole of Europe was shaken by revolution—when there was every prospect that the treaties which bound Europe together would be broken up—when the example of revolution tempted to the violation of public order in this country, and when the Irish clubs were organised and prepared to spread rebellion over the land—under such circumstances, Sir, I might, perhaps, have shrunk from the difficulty of the crisis. But I do say that, not having shrunk under those circumstances and under those difficulties—that, having met those circumstances, and having passed over and overcome those difficulties, it was not likely that, in the present circumstances of the country, when commerce was flourishing, when the people were prosperous, when the only difficulty with the Exchequer was, that it was flourishing more than was convenient for my right hon. Friend the Chancellor — when, in fact, the country has been placed in a state of prosperity and of peace equal to any other time — I say, it would have been impossible that I could have shrunk from my duty under the present circumstances. But I wish to state some opinions with respect to three questions which have occupied the public mind. One of these, and the most prominent one, is the question of free trade and free imports of corn. Now, I claim no credit whatever for establishing the present law upon that subject. The system which the Government of Lord Melbourne proposed was a system of a different kind, viz., a system of moderate duties on corn, and of differential duties on sugar and timber. That system was rejected by the House of Commons and the country. In 1845 the circumstances of the country had assumed a very different shape. On the 1st of November in that year, Sir Robert Peel proposed to his Cabinet that, at no distant period, the corn laws should be repealed. In that same month, without any communication with any one, I published my opinion that the time was come when the corn laws could no longer be maintained, and that the only safe course was, to proceed to their repeal. Sir Robert Peel gave the honour of that change of public opinion, and of the final step in our legislation upon that subject, to the hon. Member for the West Riding of Yorkshire; and undoubtedly the benefits which the country has derived from that change, although due in great part to Sir Robert Peel, are likewise due in a great part to the hon. Member for the West Riding. I claim—I cannot say no share—but I claim the smallest share in the change of the commercial policy of the country; but that change having been effected in 1846, and having supported that change to the best of my ability, I believe that its effects have been most beneficial to this kingdom. I believe that the great mass of the people of this country are enjoying benefits from that change which they will not consent to see endangered. When the reins of power fell into our hands, it was our endeavour to proceed with that policy; and on two very important questions—the duties on foreign sugar and the navigation laws—questions of the greatest interest to the well-being of the country, we were successful in carrying changes into effect in conformity with the commercial policy of 1846. I reckon that we were fortunate in being able to carry those changes into effect with the willing concurrence of the two Houses of Parliament. I have never thought that it was any matter of reproach, but the reverse, that Members of the other House of Parliament were willing to concur in the plan which had been proposed by the Administration of which I was the head; for it appears to me that while we are endeavouring to carry into effect great changes, we should endeavour, as far as possible, to carry them into effect without disturbing the institutions of the country. I will now proceed to the next subject, and that is, the Bill on the Assumption of Ecclesiastical Titles. I still concur in the opinion which I expressed on the introduction of that Bill. It is still my opinion that the assumption of those titles was an assumption of power on the part of a foreign Prince, and of those commissioned by him, which it was impossible for the Parliament of England to overlook; but I will say this, that I thought, and still think, that the main object to be attained was the vindication of our national independence upon that subject, and the assertion of the supremacy of the Crown and the people of England as against any foreign Power whatever. But with respect to the Bill which we have introduced—although great pains were taken in framing it—we have been told by persons who are competent authorities, that, looking to the proceedings in courts of law in Ireland—that, looking to what has been the practice both before and since 1829, this Bill would, in its second and third clauses, interfere, perhaps, with the ordination, certainly with the collation, of priests, and with bequests which have been allowed by various decisions of courts of law. I will say at once that it was not our intention so to interfere; and that, so far as regards anything which belongs to the regular order of the Roman Catholic Church, so as to permit the Roman Catholics to have their worship and their ecclesiastical functions undisturbed—so far we were anxious to maintain the religious liberty which has prevailed in this country; and therefore, if this Bill were proceeded with, I should be ready to make all such alterations in it as might prevent any interference of the kind which I have now stated. I own that when I see a man of such moderation and so justly respected as Archbishop Murray, objecting to the provisions of the Bill, I cannot refuse to examine and go over its provisions, with the view of seeing whether the objections thus stated are really well founded. My persuasion was, and I was confirmed in that persuasion by very high authorities, that on those points the Bill did not interfere, as it is now alleged it does. Therefore, if the Bill is proceeded with, we shall be ready to carry into effect the intentions we originally entertained—neither departing from, nor going beyond the intentions which I stated to the House upon its first introduction. There is another question, of very great importance, upon which on the occasion on the debate on the 20th inst., I made some statement to the House—I mean that very important subject, the extension of the suffrage. Now, it is fit I should state to the House—and I do so with the full consent of my Colleagues—that the extension of the suffrage was the subject of many deliberations in the course of the autumn, and previous to the meeting of Parliament. I had prepared an outline of a measure which I thought might have been proposed to Parliament on the subject; but a preliminary question naturally occurred, whether or not it was for the welfare of the country that any Bill should be introduced upon the subject in the course of the present Session; and, looking to the probable duration of the present Parliament—looking to the circumstances of the country at the present time—after various discussions, we all concurred in the opinion that it would not be advisable to introduce a Bill in the course of the present Session upon this subject. I came to the conclusion—having previously, I must say, held a different opinion—but I came to the conclusion, with all my Colleagues I believe, that it would be far better for the interests of the country not to introduce a Bill of this kind in the present Session. But at the same time I stated that I should, if my Ministry continued, lay before the Cabinet in the recess a measure which I should still further mature and prepare for the purpose of extending the right of voting for Members of Parliament. It is obvious that if such a Bill is to be introduced at all it should be introduced in the next Session, because the year 1853, according to the usual course of proceeding, would be the time when the dissolution of Parliament would arrive; and in questions of this kind we ought not to introduce a measure immediately before an inevitable dissolution. The Reform Bill took two years for its consideration; and therefore the year 1852 appeared to us the latest time that such a Bill could be introduced. With respect to the question itself, I have to say, that having, ten years before the Reform Bill was introduced, devoted my attention to the subject—having made several Motions upon it between 1821 and 1831—having had a principal share in framing the Reform Bill—I am perfectly satisfied with the general working of that measure. I see that it has produced none of the consequences which were foretold of the overturn of the constitution of the country. I think it has materially assisted both in the progress of useful measures, in introducing valuable reforms, and likewise in satisfying the public mind in times of discontent and insecurity. But I think that if you can increase the number of people enjoying the right of electing Members of Parliament—if you can do that with benefit to the representative system—if you thereby improve the representation, you at the same time gain this great advantage, that you place the representation upon a wider basis, and give an interest to a greater number of the subjects of the Queen in maintaining our laws and institutions. I think, however, that the greatest caution should be used by Parliament with regard to any measure to be adopted upon the subject. I think the general distribution of the Reform Bill has produced a fair representation of the intelligence, wishes, and interests of the people; and I should regret any change in the representation which deprived the House of Commons of those conservative elements which ought to belong to it. I cannot conceive that a House of Commons merely representing numbers would act in harmony with a monarchy, an hereditary House of Lords, and an Established Church. I think it ought to be the object of every man who approaches the subject not to create a House of Commons which should be a separate and independent power jarring with all our institutions, but that it should be the object of any one who introduced such a Bill to do as we, I think, did in 1831. Our object in 1831, was to give the people a greater interest in our institutions, to improve the representation generally, but at the same time not to hazard the spirit and frame of our constitution. Sir, these, therefore, are my views which I have ventured to lay before the House upon these three important subjects. It is at the present time, of course, a matter of entire doubt into whose hands may be committed the power of officially presenting any measures to the House, but I feel that upon all such great subjects as these — more especially upon the question of Parliamentary Reform — it is not for Ministers—it is not for official persons alone, to look to the solution of these great questions. They interest us and our posterity; they interest every Member of this House; and, therefore, every Member of this House is bound to watch carefully and to judge cautiously with respect to any measure that may be proposed. I have considered that in the course of my Parliamentary conduct—whether in the days when I was proposing reform to a small minority, and amidst the apathy of the country, or when I was urging a reform of Parliament amidst the enthusiasm of the whole nation, and with every prospect of success, I felt that my great comfort was that I was acting with men in whom I had the utmost confidence, on whose judgment I could rely, and in whose integrity I felt the most perfect faith. Perhaps the House will allow me to quote a few sentences from a great statesman, who used frequently to be quoted in this House, and who was often referred to as a guide to our deliberations. He is certainly much less referred to now, but his sentiments nevertheless are pregnant with much wisdom. I allude to Edmund Burke. Burke says—

> "The only method which has ever been found effectual to preserve any man against the corruption of nature and example is a habit of life and communication of counsels with the most virtuous and public-spirited men of the age you live in. Such a society cannot be kept without advantage, or deserted without shame. For this rule of conduct I may be called in reproach a party man: but I am little affected with such aspersions. In the way which they call party, I worship the constitution of your fathers; and I shall never blush for my political company. All reverence to honour, all idea of what it is, will be lost out of the world, before it can be imputed as a fault to any man that he has been closely connected with those incomparable persons, living and dead, with whom for eleven years I have constantly thought and acted."

Adopting these sentiments, I have to say that for far more than eleven years I have thought and acted with some of the most eminent men in this country. When I first came into Parliament I benefited by the counsels, and followed the examples of such men as Romilly, Mackintosh, and Horner. When I first entered office I did so under the auspices of the lofty patriotism, the calm temper, and large experience of Earl Grey; and with the unostentatious public spirit and incorruptible disinterestedness of Lord Althorp. With such men it was my pride and fortune to act. I will not speak of the living; but so long as it is my fate to take a part in public affairs it will be my endeavour to consort with such men as Burke speaks of, with whom I agree in public principle, and from whose wisdom I can learn the best path to the public welfare. So long as this country endures, that I believe will be found to be the best course to pursue. Some men may think that the standard of public virtue has risen higher than it was in the time of Burke, and some may think that it has sunk lower. My belief is, that from such men as I have mentioned, both this country and the world derive benefit, and that future ages, not only in this country, but in the western world, will thank them for the humanity they have inculcated—for the freedom they have enlarged, and for the just principles they have taught to the world; and as long as I take part in public affairs, whatever my station may be, I shall endeavour to follow the example of such men as my best guide to the public welfare.

Mr. DISRAELI: Mr. Speaker, I request the indulgence of the House whilst I briefly endeavour to remove a misapprehension which exists in the mind of the noble Lord with reference to what fell from me the other night. The state of the case is very simple. It was assumed by Lord Stanley that on Monday last no reference would have been made to anything that had occurred as to the attempt to form a new Government. I happened to see Lord Stanley almost immediately before I entered the House. He expected that the noble Lord opposite would come down to the House; would, of course, as was his duty, state that his Government had been dissolved; of course state that Lord Stanley had been sent for; and would conclude, without any observation, by informing the House that Her Majesty had again sent for him. Under these circumstances, it would, of course, have been perfectly unnecessary to make any observation; but Lord Stanley authorised me, in case it should happen, by any chance, which he thought utterly impossible, that it should be mentioned that he had stated to Her Majesty that he was not prepared to form a Government, he wished such a statement not to pass unnoticed. Now, what occurred? The noble Lord, instead of merely mentioning the circumstance of Lord Stanley having been sent for, thought proper to state to the House that Lord Stanley was not prepared to undertake the task of forming a Government. It was not possible for me, circumstanced as I was, to have offered any detailed explanation. It was not in my power to make any reference to the transactions in which Lord Stanley had been engaged; but at the same time I was told that it was not proper that an unqualified statement, such as made by the noble Lord opposite, should be permitted to pass entirely unnoticed. That was the reason why my remark may have appeared to be so abrupt. Some physical oppression, under which I was suffering, may have made my phraseology less appropriate than the circumstances demanded; but I certainly did not intend to be either peremptory in my language, or discourteous in my manner. When I referred to the statement made by the noble Lord opposite, I never could have imagined that any one could have supposed I was commenting on any expression which might have fallen from the highest quarters; nor do I think my remark fairly susceptible of any such construction. I thought that the noble Lord was at the time in possession of Lord Stanley's letter, and that he had conceived and conveyed an erroneous impression of that letter—and to that opinion I still adhere; and I am warranted in saying that it is still the opinion of Lord Stanley himself. The noble Lord lately at the head of the Government did me the honour last year to say that I had conducted the Opposition in a fair and honourable spirit. [Lord J. RUSSELL: Hear, hear!] I appreciate such words from the noble Lord. I desire to deserve such commendation. But I must take leave to ask the House, with regard to the letter of Lord Stanley, now read, whether the impression which I formed respecting it, and the remark which, however uncouthly I uttered with respect to the noble Lord's interpretation of that document, do not turn out to be perfectly justified by the fact? The statement of the noble Lord, however unintentional, certainly conveyed to the Members who were sitting in my immediate locality, and, I believe, to the House at large, that Lord Stanley had announced, that although summoned by his Sovereign to do so, he was not prepared to attempt the construction of an Administration. It is right that the House should observe that the noble Lord opposite did in this matter that which was not done in the other House of Parliament. He connected the dissolution of his Government with my Motion on the subject of agricultural distress, and therefore it came to this—here was a political party, advocating certain principles, and making certain declarations, who take the earliest opportunity to declare that they are unwilling to reduce their principles to practice. If that representation were true, the political party in question would have been trifling with the country, the Parliament, and the Sovereign. But for such an imputation, there is not the smallest foundation in fact. I hope that the noble Lord opposite now understands my intention, and appreciates the motives which induced me to offer an observation, which, however unhappy I may have been in my method of expression, was necessary under the circumstances of the case. Sir, it is not my intention to offer any remark on the efforts in which Lord Stanley engaged with a view to form a Government. It is wholly unnecessary that I should do so, for at the moment I am speaking, Lord Stanley is explaining all the circumstances connected with that transaction. But I will express my conviction, that when that statement shall have gone forth to the public, the character of my noble Friend will, if possible, stand higher than ever.

[Here Sir J. Graham was loudly called for.]

Sir J. GRAHAM: I wish to state, Sir, why I waited for some intimation that the House expected from me some explanation before I—a private Member—thought it consistent with my duty to intrude myself upon your notice on this occasion. I was afraid lest it might be deemed presumptuous in me, who have no official character whatever, to offer any observations on the present critical juncture of affairs, when an unguarded or imprudent expression might aggravate the difficulties which, from my heart, I wish to see removed rather than increased. But I regard what has just passed as an intimation that some explanation is expected from me, and I will endeavour to make that explanation as succinctly and as plainly as it is in my power to do. I hope the House will bear with me while I state as accurately as I can so much of the case as is open to me consistently with my duty to my Sovereign, and with the desire of not increasing the difficulties which have been stated to the House. On Saturday evening, Lord Aberdeen and I received the commands of Her Majesty to wait upon Her Majesty at Buckingham Palace; and there we were honoured with an audience of Her Majesty, who informed us that Lord Stanley not being then prepared to form an Administration, Her Majesty had empowered Lord John Russell to endeavour to reconstruct a Government; and Her Majesty intimated to Lord Aberdeen and myself Her command that, laying aside personal differences, we should meet Lord John Russell in a spirit of amity and conciliation, for the purpose of seeing if it was possible to form a Government upon a more extended basis, with due regard to our private convictions of what was necessary for the public service. That command Lord Aberdeen and I cheerfully obeyed; and it is superfluous, I hope, for me to say that, having received such a command from the highest quarter in the realm, I should have been wanting in faithful obedience to my Sovereign—I should have been wanting in gratitude for the marks of condescension I had received from a Sovereign I had served for many years—knowing as I did, too, that the object nearest to the heart of that Sovereign was the welfare, contentment, and happiness of Her people—I say I should have failed in my duty if I had not done my utmost to meet Her injunction to act with the noble Lord in the spirit of conciliation and friendship. The noble Lord has used some expressions with regard to me for which I am most grateful. He said that, although the communications which have lately passed between us, had been abortive in bringing us into closer conjunction on public affairs, they had renewed the feelings of kindness which formerly existed between us in private life, and which it was most painful to him to think had ever been interrupted. I most cordially reciprocate every sentiment of kindness which the noble Lord uttered; and with his permission I would gladly renew the terms of friendship which formerly so long existed between us. The noble Lord and I have been contemporaries in public life—we were at one time intimately associated in the bonds of kindness—I had almost said of affection—and I now beg to express a hope that I may be permitted again to call him in all sincerity my noble Friend. With respect to what the noble Lord has said in relation to public affairs, I do not wish on the present occasion—although I must touch lightly upon some of the topics—to raise an adverse discussion, because probably the House will be of opinion with me that at the present juncture such a discussion would not be advisable. I will, however, advert to the three leading points to which the noble Lord referred; and upon these it is not to be expected that upon principle there could naturally be much difference of opinion between us. When the history of the past thirty years shall be recorded, there are three leading transactions which will fix the attention of the historian. I would say that the first is the triumphant advance of civil and religious liberty, as exhibited in the repeal of the Test and Corporation Act, and the emancipation of the Roman Catholics. The next is the extension of the suffrage, as manifested in the Reform Act; and the third is the establishment of a more liberal commercial and financial policy, which for the sake of brevity, I will call free trade. These three transactions will be found to mark the history of the past thirty years; and upon all these questions, sometimes as his colleague and sometimes, though in opposition to him, it has been my good fortune to agree with the noble Lord. When we came on the late occasion to the discussion of the terms of agreement, the first question raised by the noble Lord was this, "Shall we agree to free trade?" Why, upon this point there can be no difference of opinion between the noble Lord and me. This was the policy which was transmitted to him by the late Sir Robert Peel; it was the policy I advocated as the Colleague of Sir Robert Peel; and on a recent occasion, in the execution of what appeared to me to be a sacred duty and trust, I did my utmost to uphold that policy, giving ample credit to the Government of the noble Lord for having, by a faithful exercise of power, done their utmost to uphold it likewise. Therefore, with respect to the future, I shall say that upon every measure that was so shaped as to give effect to the extension of that principle, there could be no doubt or difficulty that the noble Lord and I could easily and naturally act together. Again, as regards the extension of the suffrage, the noble Lord and I are, I believe, now the only surviving Members of the Committee of the Grey Cabinet to whom the preparation of the Reform Bill was referred. Upon principle, therefore, there could be no difficulty between the noble Lord and me upon that subject. I agree with him, that so much having been conceded and so large an extension of popular privilege and democratic influence introduced into the constitution, it is necessary, in order that the balance of the constitution may be preserved, and the existing form of government upheld, that there should be a great caution in the next advance. Up to the present time, or at all events until recently, I thought there was safety in resisting any change whatever; but I am bound to say, that upon the whole, I am now not unwilling on principle to entertain the question of some extension of the franchise, guarding myself with the reserve, as I have already stated, that I can concede no extension which in my conscientious judgment I do not believe to be consistent with the maintenance and strengthening of the form of government under which it is still our happiness to live. The noble Lord said he had prepared an outline of a measure. I have not seen that outline; and, as in the preparation of a measure of this kind the utmost caution is necessary with respect to details, and as I have no knowledge of the details of the noble Lord's measure, and have had no share in its preparation, it would be rash in the extreme for me to pledge myself to support it. But again I say that to the principle of the extension of the suffrage, on my part, there is no insuperable objection. It now remains for me touch upon the last point—the question connected with the emancipation of the Catholics in 1829. And I am bound to say, that notwithstanding all that my noble Friend has said with respect to his readiness to introduce modifications and extensive alterations in the Bill now before the House, I cannot reconcile it to my sense of public duty to be a consenting party to that legislation. That it has been found to involve extreme difficulty my noble Friend has stated in what he has just addressed to the House. He says, that with all his anxious desire, in legislation of this description, not to affect the free exercise of the Roman Catholic religion within the realm, having the ablest legal advice, having proceeded with the utmost caution, he has now, even since he has introduced his Bill, reason to doubt whether the clauses, as now framed, do not interfere with the power of ordination, with collation to benefices in the Catholic Church, and even, as I understood him, with the enjoyment by bishops, and even parish priests in succession, of endowments destined for their support. Now, if my noble Friend has really found such difficulty, with all his caution, in framing such a measure, it points out to me that I am justified in regarding with apprehension—I had almost said with extreme dislike, and I cannot use a weaker term—legislation naturally involving consequences to which I so much object — legislation, which if these objections be removed by the diminution of the measure, even so as to leave it for all practical purposes really inoperative, will be regarded by Her Majesty's Roman Catholic subjects as penal and offensive, and will undo altogether the policy which for the last twenty or thirty years it has been the object of the best, the wisest, the greatest men of this country with difficulty to build up and to establish. It would not be expedient at present to involve the House in a debate upon this subject; to give effect to my opinion would require a greater enlargement on various topics than would be at all consistent with the view which I take of the public necessity on this occasion; but it is necessary for me to say that the opinion which I had formed with respect to this Bill has not been formed hastily, and is not inconsistent with the principles I have heretofore enunciated. Having for one moment thus rather glanced at the extent of my objections than the nature of them, it is necessary for me to proceed to the next point in what I have to state to the House. I had no communication with Lord Aberdeen upon this subject until the first day of the Session of Parliament, when I had just arrived in London from the north. It so happened, that during his residence in Scotland, and mine in the north of England, for four months, we had not exchanged a letter. No correspondence had taken place between us upon the subject. With my habits of strict confidence and sincere friendship towards that noble Lord, it was natural that, upon my arrival in London, before coming down to my place in Parliament, I should seek an interview with Lord Aberdeen; and I asked him what his opinion was upon this subject; and I found, to my very great joy, that his opinion was confirmatory of my own less perfect judgment, and that he entirely coincided with me. This difficulty, therefore, in regard to a junction with my noble Friend on the part of Lord Aberdeen and myself was insuperable. The noble Lord was willing to modify the Bill; but he could not, with his conviction of what was due to the public good, consent to abandon it. Lord Aberdeen and I, on the other hand, viewing all the circumstances of the moment, seeing no imminent danger from abstaining from legislation, and seeing, as we did, the most serious evils to be apprehended from persevering in this legislation, said we could not be parties to it even in a more modified shape. This difficulty was fatal to our junction with the noble Lord: it was insuperable; I believe agreement upon other points would not have been impossible; but this was a "cardinal" point, and the junction was impossible. Now observe, the objection to the junction was still more conclusive against any attempt on the part of Lord Aberdeen to form a Government; because I do not dissemble from myself, much less from the House, that the feeling of this country of Great Britain has been so excited that some authoritative proceeding on the part of any Government, however composed, would, I believe, be required, though I have known nothing so dangerous in my experience in public affairs as the demand for something to be done without any reference to the two considerations whether that something be safe or unsafe, practicable or impracticable. But 395 Members of this House, I think, in opposition to 63, had voted in favour of the introduction of the Bill; the feeling of the people of England and Scotland had been roused to the extreme, and evinced in county meetings and in every possible manner to be in unison with the view of Her Majesty's late advisers, and quite opposed to the view taken by Lord Aberdeen and myself. We felt, therefore, that the attempt to conduct a Government framed on the principle of not legislating upon the subject in the present Parliament would have been abortive, and an appeal to the people under present circumstances, on a policy adverse to such legislation, would, I am afraid, have involved Great Britain in a struggle of the most calamitous kind. We at once, therefore, advised Her Majesty that we could not undertake the responsibility of forming a Government on a principle which, I am bound to state, would not be consistent with the feeling of the great majority out of doors of the people of England. It will perhaps be said that this is an afterthought on my part, a mere subterfuge, to escape official responsibility. I wish to guard myself against any such misconception; and it does so happen, if the House will bear with me, I have irrefragable evidence to show that the fact is otherwise. In my own county of Cumberland, in November, a requisition was circulated for a county meeting. I have an intimate friend there, Mr. Howard, of Greystoke Castle, descended from an ancient Roman Catholic family, first cousin of the Duke of Norfolk, the near relation of the Earl of Arundel; and he, entertaining an opinion different from mine, was of opinion that it was expedient to call for a county meeting for the purpose of pressing for some legislation, in consequence of what is termed "the Papal Aggression." I addressed to Mr. Howard on the 23rd of November, a letter stating the reasons why I thought that course was inexpedient. I did not wish to aggravate the difficulties of Her Majesty's Government, which I knew were extreme, because I am bound to say that a step such as that which has been taken by the Pope of Rome, and more especially by Cardinal Wiseman, was of a character so offensive— [*Cries of* "Hear, hear!"] I must say "more offensive," because it was done with design and premeditation—that it was extremely difficult for any persons filling the offices which my noble Friend and his Colleagues then filled to allow such an insult to pass unnoticed. But, entertaining strong objections to legislation, I thought it right, not approving of any interference such as Mr. Howard contemplated, in my answer to him, to enter somewhat at large into my reasons for that opinion; and, although I am extremely unwilling to trouble the House with my private correspondence, yet, if they will bear with me, I will read that part of my letter which refers to this subject, having Mr. Howard's permission so to do. It is couched in these terms:—

> "Netherby, Nov. 23, 1850.
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> "It would give me cordial satisfaction to co-operate with you on any public occasion in this county. But, although I am a sincere Protestant, and resent the haughty tone assumed by the Pope in his bull, and by Cardinal Wiseman in his pastoral letter, yet I am unwilling to join in the No-Popery cry, or to ask for the revival of penal laws, or for any new enactment which might fetter the Roman Catholics in the full and proper exercise of their religious discipline within the realm. When I supported emancipation I knew that the Roman Catholics acknowledged Papal supremacy, and would be guided in all spiritual matters by bulls from Rome. I knew, also, that their religion is episcopal; and when I fought on their side for perfect equality of civil rights, I was aware that the Pope might nominate in England, as in Ireland, archbishops and bishops. I did not attach much importance to the safeguard proposed by the Duke of Wellington, who did not himself place much reliance on it, that the Popish hierarchy so nominated should not assume the title of English or Irish sees occupied by Protestant prelates. I myself was a party to the recognition by statute of the dignity of Roman Catholic archbishops and bishops in Ireland; while I adhered, however, to the settlement of 1829, that the enactment prohibiting the assumption of local episcopal titles identical with Protestant sees should be upheld, I proposed in the House of Commons, on behalf of Sir Robert Peel's Government, the remission of the penalties which attached to receiving bulls or other similar instruments from Rome; and out of office I supported Lord John Russell's measure, which authorises the renewal of diplomatic intercourse with the Roman Pontiff. I took these steps deliberately, and I do not regret them. I believe them to have been necessary for the good government of Ireland, and I cannot believe that it will be possible to have one law for England and another for Ireland with respect to Roman Catholic discipline and worship."

I might have added, as I do here, that on the part of Sir Robert Peel's Government I moved for the endowment of the Roman Catholic College of Maynooth—a measure which, I am bound to say, in my humble belief, shook the foundations of the strength of Sir Robert Peel's Government, but which nevertheless I believe to have been a debt in justice due to the people of Ireland, and which, whatever may have been its effects, is a measure I never can regret. Further, I was the organ of Sir Robert Peel's Government in moving the Bequests Act—an Act which recognised the authority and dignity of the Roman Catholic archbishops, bishops, and clergy of Ireland. It speaks of the Roman Catholic archbishop or bishop "officiating in any district," and Roman Catholic clergymen "having pastoral superintendence of any congregation." What is the meaning of "officiating in any district" but having a diocese? What is the meaning of "having pastoral superintendence of a congregation" but being a parish priest? And what does that Act do? It carefully gives to them in succession the benefit of charitable bequests made in trust for them subject to the expressed limitations. But I will proceed with my letter:—

> "I am offended, indeed, by the arrogance and folly of the language which the Pope and his Cardinal have thought fit to employ in announcing an ecclesiastical arrangement which I believe to be lawful, and which I do not consider dangerous. But my displeasure will not induce me to treat with disrespect the religion of 7,000,000 of my countrymen, or to contemplate for one moment the revision or the reversal of a policy which, in defiance of the No-Popery cry, I have supported throughout my public life, which I still believe to be sound, and which is indispensable, unless by a melancholy necessity the vast majority of the Irish people are still to be treated and considered as our national enemies. I have thus written to you without reserve my genuine sentiments. I am aware that they are not popular. I do not wish to obtrude them on public attention. The subject will in some shape probably be brought under the notice of the House of Commons; and, then, in my place in Parliament, it may be my duty to declare the feelings and the opinions which I entertain. In the mean time I am desirous to avoid any premature or hasty pledge in a matter of such paramount importance. I am more anxious to extinguish than to add fuel to the flame of religious strife and animosity."

I put those opinions and feelings upon record on the 23rd of November. I avoided giving undue publicity to them, because I was honestly of opinion that it would add to the difficulty of a moment full of difficulty without any such addition. I, however, did not conceal them. They were not unknown in quarters where they might have produced a timely effect. But, having put those opinions upon record, I appeal to the House—I appeal to the country—whether it was possible for me, entertaining deeply the conviction of the truth of these sentiments, either to be a party to the further progress of legislation to which the conviction of my noble Friend is pledged, or to think of forming part of a new Administration based upon a pledge to persevere in such legislation. I know, if I were seeking popular power, I should have abstained from this course; I know the ground I take is unpopular ground; but what I have expressed is a conviction I strongly and deeply entertain. I am afraid, if you commence this course of legislation, step by step you will be dragged into the penal code which broke down under you in 1829, which brought matters to such a dreadful alternative that the Duke of Wellington and Sir Robert Peel, without acknowledging a change of opinion, yet from the necessity of the case, admitted that a change of policy was indispensable. Thanking the House for their kind indulgence, I have nothing more now to add; but when the question of the second reading of this Bill comes before the House, I shall venture to offer some observations upon it.

Mr. HUME said, that he was anxious at once to state the deep regret with which he had listened to the explanations tendered to the House that night. He certainly excepted the explanations offered by the right hon. Gentleman the Member for Ripon. To that right hon. Gentleman he had listened with great satisfaction; and he was delighted at the consistent conduct of the right hon. Gentleman on the question as to the liberties of Roman Catholics. He (Mr. Hume) was confident the right hon. Gentleman had taken the proper view, and that what he suggested would turn out correct—that if we valued the peace of Ireland we would have to give way on the question of the so-called Papal Aggression. We could not re-establish a penal legislation; and the sooner that was confessed the better. What he said now, on this question, he had said on all similar questions ever since he had entered Parliament. There had never been, since he had been in Parliament, a single Motion in that House, which had for its object the removal of a civil or religious disability from any portion of his fellow-countrymen, which he had not most cordially supported. But he had heard the speech of the noble Lord with great regret, for it was impossible not to feel regret at finding that the formation of a Government had been dependent upon this narrow point in respect to the "Papal Aggression." The people of England would be surprised and offended on learning, that during all this time, in this Cabinet crisis, none of the really important questions had been raised, whether the budget should be abandoned, whether the income tax should be continued, and, in short, whether we were to have any relief from taxation. Ten days had been wasted, and it appeared that the finances had not once been brought under consideration. Now, the future Government would find that attention must first be directed to these points; and he felt bound to say, for himself and on behalf of others around him, that whatever Administration was formed, whether by the Duke of Wellington or by the noble Lord, it could only be received by the country on the condition that it would proceed to carry out the principles of that commercial policy as to which the noble Lord and the right hon. Gentleman the Member for Ripon were at least agreed, the benefits of which the country fully appreciated, and the blessings of which they would not readily resign. He would say, further, that no Administration would be trusted, unless it was prepared to extend the franchise. No Government which refused Parliamentary Reform, which hesitated to remodel our taxation, and which was not prepared to accomplish extensive reductions in the expenditure, could be stable or successful. Because he believed this, he should not have objected to an Administration for a short time under Lord Stanley. He should like to have seen how far that noble Lord's protectionist principles would have carried him; and he was pretty confident that Lord Stanley would have disappointed and undeceived those to whom the country gentlemen had promised a modification, if not a revocation, of the recent free-trade measures. Office would have been a dangerous trial for the noble Lord; but as the results would have been beneficial, it was a pity that that trial had not been made. The noble Lord had failed; and it would now be seen that the protectionist party were answerable for a great deal, in having held out hopes which they knew they would never be enabled to fulfil. What Administration was now to be formed, he (Mr. Hume) could not guess. They had heard that evening of there being three parties in that House. It was certain that the days were passed when it could be a mere contest between Whig and Tory. The time was now coming when the party of the people must have power, and when the interests of the whole community would constitute the only policy. The only Government which would now be endured was a Government which would adopt measures of unequivocal Parliamentary and financial reform: and he hoped that no party would be so foolish as to come forward at this juncture without being pledged, nay, without being ready, to afford immediate proof that they would consult the interests and satisfy the demands of the people. He was as anxious as the right hon. Baronet the Member for Ripon, that, while they asked for reform, they should not seek a revolution, or accept any measures calculated to disturb the constitution. But he would tell the right hon. Baronet this—that the risk was in narrowing, not in widening, the basis of the constitution. No man in his senses could avoid seeing how enormous was the danger while they left six-sevenths of the population in a state amounting to slavery, and while the elective power was in the hands of but two or three hundred thousand persons. Whatever Administration might be formed, he would give them this advice—to look to the franchise, and to taxation, and not to this passing clamour about Catholicism. The Papal Bill was a trifling matter in comparison with the vast questions to which he had adverted. The people would become disgusted if such a matter were regarded by public men as the single difficulty, and if, in consequence of the obstacles raised on this point, we were left any longer without a Government. It was not creditable to see what was now going on. It showed a want of talent, as well as a want of union, that we should thus be driven from side to side in a manner which had been witnessed recently in France, but which he had never expected to see in this country. If the noble Lord could give no better reason for having resigned the formation of the Government than the perplexity in which he found himself in reference to his Papal Bill, then the country would condemn him. But, in reality, all these difficulties had been occasioned by the budget—what he would call the abortion of a budget.

Sir R. H. INGLIS said, that though the Motion before the House was the further postponement of the Order of the Day, yet hon. Gentlemen had assembled together rather to hear the statement of his noble Friend, than to discuss whether the Ecclesiastical Titles Assumption Bill should or should not be proceeded with. At the same time observations had been made, particularly by the right hon. Baronet the Member for Ripon, which, if absolutely unnoticed, would, he thought, add much to the difficulties which that right hon. Gentleman, or any other man who was called upon to share in the administration of the Government, would have to encounter. Let not his right hon. Friend deceive himself. His right hon. Friend had stated that 395 Members, being a large majority of the House, had voted in favour of some measure for resisting Papal aggression; and he did not deceive himself when he further stated that the great majority of the people of Great Britain were hostile to that aggression. He (Sir R. Inglis) trusted, therefore, that his noble Friend and his right hon. Friend would both well consider that even in this House they would not be able to carry on an Administration which was founded upon the principle of tamely conceding to an aggression, which he conceived to be characterised by as much audacity as could have been exhibited by the Church and Court of Rome in the worst times of Innocent III. or Gregory VII. The people of this country would value more than any other sentence in the noble Lord's speech that sentence wherein he stated that he retained, with unabated force, the feeling, the principle, and the opinion which had first induced him to bring forward his measure for repressing the Papal aggression. Let his noble Friend be fully persuaded of this fact, that the people of Great Britain would not be satisfied with any measure short of that which he had introduced, the feeling expressed out of doors being, not that it went too far, but that, though it might literally meet the precise case of aggression, it did not meet the real grievance, of which the Papal brief and pastoral were only a part. Without entering further into the subject, he (Sir R. Inglis) thought it was but justice to those who entertained opinions similar to his own, that some one should rise in that House and state what he believed to be the almost unanimous feeling of the great body of the people of England and Scotland, that in the vain attempt to satisfy the Roman Catholic portion of the people of Ireland, they would alienate the affections of the people of England.

Mr. J. O'CONNELL said, that the agitation which had taken place on the question of Papal aggression had been got up by interested parties, by the clergy, who, in fear that their enormous possessions should be attacked, endeavoured to avoid the danger by setting up a cry of this nature. As an Irish Member he was anxious to state that the impression on the minds of the people of Ireland was that the majority of the people of England did not share in the hostility which had been denounced against them. The noble Lord took great credit to himself for not shrinking on a great many occasions of his life. There might be a pride and glory in not shrinking, but there was a pride in shrinking from evil deeds and evil courses. It would have been well for him if he had shrunk in time. He had boasted of not shrinking during the famine in Ireland. He did not say it with bitterness, but the noble Lord had not showed himself equal to the occasion. Having the resources of a great empire, he did not do what he might have done to afford relief to a dying people. In alluding to the year 1848, he stated that there was a general system of rebellion in Ireland, organised by clubs. There was no such thing; there were clubs in a few towns, but not a single association of the kind existed in the agricultural districts. The vast majority of the people were not engaged in rebellion. If the noble Lord would not give up his object, why did he stand in the way of others—why did he impede the progress of the empire? The right hon. Baronet the Member for Ripon had showed his ability to promote the general interests of the country. Let not the noble Lord stand in his way. Now was the time, the people of Ireland were ready to be conciliated. They were ready to forget their grievances, if they reversed the disastrous policy they had hitherto pursued.

Mr. B. OSBORNE should not follow the example of the hon. Member for the University of Oxford, and import into the debate a topic which would give rise to debate. The empty state of the benches showed that the excitement abroad was not keeping pace within doors. He rose on behalf of his constituents, after the explanations, in which so little had been told, to express his astonishment that, with peace abroad, prosperity at home, and an immense surplus, the Government should have gone down in a sunny sea. He must be permitted to doubt that it was the division on the Motion of the hon. Member for Buckinghamshire, or the division on the Motion of the hon. Member for East Surrey, that led to that event. In his mind it was episcopal rashness joined to financial imbecility, which caused the good ship to founder. *Apres moi la deluge* may have been a consoling reflection for the followers of a despotic monarchy, but it was none for the reputation of a great commercial statesman. He could not but think that the country had been reduced to a very low and fallen condition, when he saw the Government handed about between two or three noble Lords, and no attempt to call on some other party to assume the direction of affairs. Why should not a Government have been formed on the basis of the sentiments so ably expressed by the right hon. Gentleman the Member for Ripon? Why had they not called upon that right right hon. Gentleman to take the helm? He would defy any statesman, whether he were the noble Lord, or even the noble Duke (then with the Sovereign)—he defied them to extend the operation of this Bill to Ireland. If they did, the taxpayers of this country must be prepared to add three per cent to the income tax. He defied them to carry out its provisions, whether they emasculated it, or struck out the provisions which formed the main strength and purport of the Bill. He took the liberty of telling the noble Lord, in attempting to bolster up his Government with a measure of this nature, that he was only tying a millstone round his neck. In perfect ignorance as to whether the noble Lord had really taken a farewell of office, or who was to succeed him, he would say that whoever attempted to frame a Government should do so on extended principles, no petty or peddling question should intervene; and if the noble Lord attempted it, in order to succeed he should shake out and unfurl the folds of his liberal banner. The House knew now, and the people ought to know it, that they had a man, the right hon. Baronet the Member for Ripon, who, if called to the head of the country, would conduct it with honour to himself, and with satisfaction to the people.

Mr. NEWDEGATE: Sir, the hon. Member for Middlesex has tendered his allegiance to the right hon. Baronet the Member for Ripon, on the ground that no measure should pass into a law with respect to the aggression committed by the Pope of Rome upon the prerogatives of the Sovereign and the independence of the nation. Now that was tantamount to a declaration that the objections urged by the representatives of a certain section of the people of Ireland should prevail over the unanimous decision of the people of England. ["No, no!"] It was neither more nor less. And he (Mr. Newdegate), as the representative of an English constituency, begged to tell the hon. Member for Middlesex that the people of England would consider the attempt to prevent legislation upon this subject in no other light. The explanation of to-night had, to his mind, elucidated many important points. The explanation of the right hon. Member for Ripon showed him distinctly, that, however he might be opposed to the opinions of the noble Lord who was at present at the head of the Executive upon one most important point, he was much more likely to follow that noble Lord than the right hon. Baronet. The right hon. Baronet had explained to the House that the construction in favour of the assumption of titles from places and districts in Ireland by the prelates of the Roman Church, put upon certain measures passed by the Administration of which he was a Member, was not accidental. He (Mr. Newdegate) alluded to the Bequests and Dublin Cemetery Acts. The right hon. Baronet had owned that the construction put upon those measures with respect to the assumption of titles by the bishops of the Roman Catholic Church in Ireland was his own act. He had declared that that was his intention. He (Mr. Newdegate) did not dispute the consistency of the right hon. Baronet in the course which he was now taking. It was perfectly consistent. But what was not understood at the time the right hon. Baronet presided at the Home Office was, that such was his intention. When the right hon. Baronet told them that he believed the conduct of the Government of Sir Robert Peel with respect to the increase of the public grant to Maynooth shook that Government to its foundation, he believed the right hon. Baronet stated a fact; and he (Mr. Newdegate) regretted that the circumstances which then existed to separate his friends and himself from those whom they were proud to consider, however mistakenly, the great exponents of their principles, were likely still further to sever them by the course which the right hon. Baronet now proposed to adopt.

COLONEL SIBTHORP said, that the motto of the noble Lord opposite was, "Any port in a storm." He dared not appeal to the people to try what their opinion upon all these subjects was. The noble Lord reminded him of a large sheet of sticking plaster. He had been so long on that side of the House that those around him were sticking to him, and he could not venture to separate from them. He remembered an old saying of "Scratch me, and I will scratch you." That had been carried out to a large extent. There was a good deal of itching in Members sitting on different sides of the House. The more they scratched, the more likely they were to receive consolation from each other under that painful operation. For his part he had not the slightest confidence in the noble Lord. The excitement out of doors still continued, and would increase; and as far as he legally and constitutionally could excite, he would. The country would teach the noble Lord, if he did not know it, what was his duty to his Sovereign. The budget had been shown up in its true colours as a piece of humbug and deception to the people, and there was an end to that.

MR. P. HOWARD said, that when the hon. Gentleman the Member for North Warwickshire stated that the country was unanimous upon this question, he seemed to forget that in the capital of his own county—in Birmingham—a large meeting had been held, and a fair race run between the two parties, which resulted in a dead heat, so much so, that the presiding officer was unable to say which party carried the resolution. Unanimity should not, therefore, be talked of. He thanked the right hon. Baronet the Member for Ripon for his able speech and declaration; and he trusted that the statesmanlike opinions which he had enunciated would before long place him at the helm of affairs, and that he would see the principles of civil and religious liberty triumphant. For his part he was determined, whether the Bill was modified or not, to give it an unrelenting opposition. He was glad to see that the mist of prejudice upon this subject was passing away, and that the people of this country were not about to insult their Irish fellow-countrymen, or adopt the cravenhearted policy of pursuing and persecuting a minority of their Roman Catholic countrymen in England. He was sure that any line of policy which should create an increase in the cost of the necessaries of life would not be acted upon for a week. Without wishing to revive the memories of past feuds, he would observe that the reflecting part of the country must feel that the policy of free trade and cheap provisions was one of the settled principles of the country. He was equally convinced that they now saw that the time was come when the enlightenment of the people admitted without danger of an enlargement of the elective franchise. He was quite willing to admit that in that course judgment, experience, and prudence were eminently necessary; but he was also persuaded that such was the general love of order that the franchise might be safely extended to a great number of his fellow-countrymen in the counties, and to a considerable extent in boroughs. By placing the representation on a broader basis, the prosperity of the country would be secured. With free trade, religious freedom, and progressive reform, they might hail the reign of Queen Victoria, not only for having increased the civil liberties of Her people, but for having confirmed and strengthened that religious freedom without which civil liberties were valueless.

Mr. SPOONER wished to correct an error into which the hon. Member for Carlisle had fallen with respect to the meeting at Birmingham, when he described the contest of parties on that occasion as a "dead heat." The hon. Gentleman was mistaken. There was a decided majority at that meeting in favour of the Protestant feeling expressed in the town. An amendment was proposed, recommending that no legislation should take place on the subject, and that amendment was rejected by a most decided majority; but owing to the parties who voted against the amendment having gone away under the impression that the rejection of the amendment affirmed the original proposition, the latter, when it was afterwards put from the chair, was lost in consequence of their absence. In proof of the earnestness with which the Protestant feeling of Birmingham resented the Papal aggression, he reminded hon. Gentlemen that the address which had been presented to the Queen by the right hon. Baronet opposite from that town, had 16,500 signatures attached to it. He was exceedingly happy to hear the noble Lord opposite still maintain the opinion he had so manfully and constitutionally expressed as to the propriety of a measure on the subject, though he (Mr. Spooner) doubted the propriety of his attempting to mitigate it. The country was not satisfied with his measure, because, as had been well observed by the hon. Member for the University of Oxford, it did not go far enough. The Protestant feeling of the country was raised, and nothing would satisfy that feeling but such a measure as should secure to the nation all these guards which formed part of the Bill of 1829. Nothing would satisfy that Protestant feeling but that the insult which had been offered to the Sovereign on the Throne and to the nation at large, should be repelled in a manner worthy of the noble Lord's speech, to which he feared the proposed measure was not adequate.

Mr. WYLD complained that the subjects of taxation and fiscal regulations had not been adverted to. Throughout the country large meetings of the people had been held at which they had demanded alterations in certain matters of taxation; and he assured the noble Lord that unless some large and striking alteration were made in the system, the middle and labouring classes would not be satisfied. His belief was, that alterations in the franchise were also necessary; and he did hope that whoever was in power would give consideration to these matters.

Mr. WAKLEY had attended with great anxiety to the explanations furnished during the very gloomy debate which they had had this evening, and he must say that, having applied the most powerful efforts to the subject, he was now as much bewildered with regard to the right definition of the state of affairs as before it commenced. The question was, Was there any Government? Was there any Administration? Gentlemen on the opposite benches were smiling; but he must confess, it appeared to him as if he should have had to perform a very special duty upon them this evening, and he certainly had not anticipated their smiles under the circumstances. He asked again, was there any Administration? He had been told that the noble Lord had resigned, but had not quitted office. Who were his Colleagues, and what policy did he intend to pursue? Not a word had been said with regard to the Budget. The late Chancellor of the Exchequer was in the House; but not a word had been stated by him or any other of his Colleagues with reference to that subject. The House was left in a state of great perplexity. But why? Because those who possessed the confidence of the Sovereign were not prepared to take the correct course. He saw clearly enough that those who, in the first instance, brought in the Reform Bill, were not prepared to act upon its spirit, with reference to the Executive of the country. The influence of that Act had been felt in the country and in that House; but an obstacle seemed to be in the way of its being felt by the Executive Administration. It appeared that it was desired to govern by the fag-ends of the Whig and Tory Governments, and that the parties who had been returned to that House in consequence of the energy and ability they had displayed in public affairs, were not to be admitted to the confidence of the Sovereign. But he would tell the noble Lord, that there was not the slightest chance of his forming an Administration if he persisted in the course which he had hitherto pursued. He would find that the people were completely tired of being ruled by Lordlings, of high aristocratic birth, but totally incompetent to perform the great business of the State. It was said out of doors, that there was a desire on the part of the present Administration to maintain those in power—in the places which had hitherto been possessed by two aristocratic factions. He feared that allegation was too true; but he did trust that the noble Lord would take this matter into his serious consideration; and he (Mr. Wakley) would say that, if another Reform Adminstration were constituted, it would be almost an insult to exclude a Gentleman who was sitting near him at that moment—he meant the hon. Member for Montrose. When they regarded his services to the country—when they reflected on the millions he had saved the people by the reduction of taxation, which he had advocated for so many years with so much ability and untiring energy, he (Mr. Wakley), as a reformer, should feel himself insulted and degraded, if younger men, who had displayed no such ability, were admitted into the confidence and counsel of the Sovereign. There were other parties to whom he could refer; but he would not do so. He was sure he had stated quite enough to induce the noble Lord who, as he was told, was at the head of the Administration, to reflect on the subject, particularly as the noble Lord wanted an Administration which should possess the confidence of the people. He would just briefly refer to the present position of things. They were the State Doctors, and it was their duty to consider what was the condition of the State Patient. Only a few days ago, a long debate took place in that House, the discussion was kept up for two or three evenings, in which eloquent speeches were made, on the Motion introduced by the hon. Member for Buckinghamshire, affirming that great distress prevailed among the owners and occupiers of land. He (Mr. Wakley) gave a hearty vote against that Motion; because he believed it was meant for mystification and delusion, and to inflict injury upon the Government. The House divided, and only negatived the Motion by a small majority of 14. What did the Doctors do on the other side? They stated that they had discovered the Patient in a most lamentable condition; that he was in a state which threatened dissolution; that, in fact, his afflictions were almost innumerable. But, at last, when they were called on, that very party stated that they were not ready to prescribe, and the other Doctors were called in; and who were they? Why, the very parties the other side had represented as having poisoned the Patient by improper medicines. He wished the hon. Member opposite could hear what the protectionist party were saying out of doors. They were saying that the Opposition Members in this House had pretended that they had measures of relief for them. They had now the opportunity; but what had they done? Their first act was to recall the parties whose previous prescriptions they had altogether condemned; they had abandoned the post, and thereby practically and virtually acknowledged they had no measures of relief. That was really what was said with reference to the protectionists. On the other hand, the people considered they had been unfairly dealt by; and, in his opinion, they entertained a well-founded belief on that subject. If a different course were pursued, they would be ready to support any Administration which desired to do them justice. But had justice been done? It was not fair of the noble Lord to leave them in doubt and apprehension as to the course which he intended to pursue. A budget had been brought forward; but, as to what would be done with it, they had heard no statement whatever even shadowed forth in the most distant way. He (Mr. Wakley) would say, that the noble Lord must reconsider his decision with reference to the window tax, and that the obnoxious proposal made in connexion with its repeal must be altogether abandoned; in fact, that the whole budget must be reconstructed.

LORD J. RUSSELL: The hon. Gentleman appears to have misunderstood what I stated. I stated that the Administration of which I was at the head, had offered its resignation. There is, in fact, no Administration now existing, and therefore it would be impossible for me, in any event, to state what are the intentions of the Government upon the subject of financial measures. It would be improper that I, or any one else, should state what the budget shall be, until the formation of another Administration shall be intrusted to me.

MR. SCHOLEFIELD said, the hon. Member for North Warwickshire was in error in stating as to the Birmingham meeting, that the Protestant feeling was predominant, because it was impossible to ascertain which was the predominant party at that meeting.

MR. ALDERMAN SIDNEY would venture to state to this House that whatever had been the agitation on the question of Papal aggression, it would be speedily followed by no less convincing demonstrations against the inequality and injustice of that abominable measure—the income tax. When the noble Lord again announced, as he trusted he would shortly do, that he had successfully formed an Administration, and came again to ask the House to continue for three years a tax which had been stigmatised with the injustice and oppression with which the income tax was now loaded, he (Mr. Sidney) would venture to predict that such an Administration would have a very short existence. He trusted, whatever Administration was formed, that subject would be taken into serious consideration. He should be sorry to see any Administration disregard the feelings of the people of England on the question of Papal aggression. Whatever might be the state of the case with our fellow-countrymen in Ireland, he felt compelled to state that the feeling was all but unanimous in England, that it was the duty of the Government to put a stop to the insolent aggression of a foreign Power. They believed that an inroad was attempted upon the constitution and the religious freedom of the people, and he was quite sure whatever advantages the right hon. Member for Ripon might be able to lay before the people, they would sink into insignificance compared with having that question fairly and expressly placed upon a legislative enactment. If there was to be a new budget, attention should be given to economising the collection of the taxation of the country in both Customs and Excise.

MR. BANKES wished to address to the House a few observations on some remarks which fell from the hon. Member for Finsbury. That hon. Gentleman said, that the party to which he (Mr. Bankes) belonged had made a proposition to the House which was negatived by such a small majority that they were necessarily called on to prescribe for the benefit of the State. Now, that majority, though not large, was still sufficient not to put the protectionist party in the predicament in which the hon. Member affirmed them to be; and it appeared to him that the leader of that party pursued a most honourable course in recommending that others should be applied to to form a Government; but he might now add, as a comfort to the hon. Member for Finsbury, that if he were present in that House at the time when Members were sworn, he would find that night after night those who came to the table to be sworn were of the protectionist party, and even that two members of that party took the oaths during the present evening. Further, he would say, that though there was a small majority against them on the occasion referred to, yet that when that majority should be turned into a minority, they would not then forbear to offer those prescriptions which appeared to them suited to the state of the country. They had not shrunk, and they never would shrink, from performing any duty which they owed to the Crown and the people, either on the present or any other occasion.

MR. SLANEY thought that the present circumstances of the country strongly demanded the exercise of mutual forbearance.

Second Reading deferred till Monday next.

The House adjourned at Eight o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 3, 1851.

MINUTES.] PUBLIC BILLS. — 1ª Passengers Act Amendment; Mills and Factories (Ireland).

THE MINISTERIAL CRISIS.

The MARQUESS of LANSDOWNE, having laid on the table the third report of the Ecclesiastical Commissioners, said—My Lords, I may as well, in laying this report on the table, and before I move the adjournment of the House, discharge my duty, by acquainting your Lordships that in the circumstances of the present moment, and after the failure of three successive schemes for the construction of a new Administration, Her Majesty, after duly reflecting upon the situation in which She was placed by that failure, has been pleased to call upon those of Her Ministers who had been recently in office to resume those offices, and to endeavour, at least, to carry on the Government of the country. My Lords, that step upon the part of Her Majesty was not taken without full and due deliberation; and I have the authority of Her Majesty to state, that having during the time She was so pausing had recourse to the advice and opinion of a noble and illustrious Duke—the most distinguished Member of this House—and who is now sitting at your Lordships' table—his advice and his opinion were in conformity with that step. Under these circumstances I have to inform your Lordships that Her Majesty's late Ministers have thought that they had no alternative but to undertake the task thus, of necessity almost, devolving upon them. Having made that statement, I may be permitted to add, what I am sure your Lordships will readily believe, that no person laments more deeply than I do the existence of those differences of opinion, which, it is obvious to your Lordships, and is well known to the public and the world, have prevented the construction of a new, a stronger, and a more effective Administration. If there were one wish that I could entertain as an individual more strongly than another, or if there were one thing which it would give me more satisfaction than any other, either in or out of office, if possible by any effort of mine to contribute to effect, it would be to put an end to any of those difficulties which have proved obstacles to the construction of that which I believe most desirable for the interests of the country—a strong and an effective Administration. The noble Marquess concluded by moving, that the House at its rising adjourn till To-morrow.

PAPAL AGGRESSION—THE ECCLESIASTICAL TITLES BILL.

Several petitions on this subject having been presented,

The EARL of RODEN, in presenting a vast number of petitions from various places in England, Ireland, and Scotland, praying for a legislative enactment to restrain Papal Aggression, took occasion to express his disapproval of the observations which had fallen from the Earl of Aberdeen a few evenings since on this subject, in which the noble Earl had characterised the measure brought forward as one of a penal and persecuting character. The noble Earl, no doubt, was faithfully representing the state of his own feelings on the subject, when he disparaged the importance of the recent extraordinary proceedings of the Court of Rome; but he greatly deceived himself if he supposed that the loyal and well-disposed amongst Her Majesty's subjects regarded the aggression with other feelings than those of alarm and indignation. For his own part he (the Earl of Roden) did not hesitate to express his entire dissent from the opinion of the noble Earl. He looked upon the act of the Papal Court as an insolent and insidious attempt on the independence of this country and the prerogative of Her Majesty's Crown, and he trusted that it would be resented as such by the Legislature. He altogether approved of the conduct of the late Ministry in introducing a Bill upon the subject. It evidenced the sincerity of their intentions, and satisfactorily attested their anxiety to redeem the pledge which the noble Lord, lately at the head of the Government, had given, in his letter to the Bishop of Durham—a document which, although it had been severely censured in some quarters, had nevertheless won for the noble Lord the admiration and approval of the great majority of the respectable and intelligent amongst the inhabitants of the United Kingdom.

The DUKE of ARGYLL: I do not rise for the purpose of making any remarks upon this last of those Ministerial explanations which have been occupying, during the last few days, so much of the attention of the House and of the country. Neither do I rise for the purpose of making any strictures, like the noble Earl (the Earl of Roden) who has spoken to-night, upon the speech of the noble Earl near me (the Earl of Aberdeen), although it is upon the subject to which that speech referred that I am anxious to address a few observations to the House. The intention with which I rise is one very easily fulfilled, and which, I trust, the House will see it is neither out of time nor out of place that I should entertain.

I hold in my hands a petition from a corporate body in the city of Glasgow on the subject of the Papal Aggression. It is not in itself very remarkable either as regards the form in which it is expressed, the prayer with which it concludes, or the importance and influence of the body from which it proceeds. It is but one of many others which have been presented to the House in silence; and I certainly should have pursued the same course with this one had it not been that I have observed a very wide and very great misunderstanding as to the public feeling in Scotland respecting this question. There are undoubtedly one or two very obvious differences of circumstance between Scotland and this country. In the first place, by law this aggression does not specifically apply to Scotland. The bishops of the Roman Catholic Church there are still in the condition of vicars-apostolic; and the rev. gentleman, who, it is said, would, in the event of a Papal bull being extended to Scotland similar to that issued for England, be dubbed with the title of Archbishop of Edinburgh, rejoices at present in some such name as Bishop of Limyra. In the second place, the Church established by law in that country is not an episcopal Church; but I need hardly explain to the House that neither this nor any other difference in such circumstances makes any alteration in the questions raised by the Papal Aggression. The non-episcopal character of our Church does indeed preclude us from taking some of the grounds of resistance which have been taken in England. In Scotland, for instance, we should never dream of saying that because our presbyteries and synods are established by law over certain districts, therefore no other Christian minister or bishop had any title to intrude upon it. No Scotchman would dream of taking such ground as this. I confess I wish it had not been so often taken in England; at all events, we willingly leave it to be occupied by those who think they can best resist a Romish aggression by adopting a Romish principle.

Nevertheless I can assure the House that the feeling which exists in Scotland in respect to the aggression recently made against the Established Church and laws of England, is strong, deep, pervading. It has not indeed been expressed as in England in county meetings; but the great cities have spoken out in unmistakeable terms. [The Earl of ABERDEEN here intimated dissent.] My noble Friend seems to doubt the truth of this statement. I can only assure him that one of the largest and most unanimous meetings ever held in the city of Glasgow was upon this question; and I can further say, from my own observation at large public meetings not held specially on the subject, that the slightest allusion to it incidentally called forth the most decided and enthusiastic expressions of feeling. My conviction is, that if there had been a popular agitation upon it—if a dissolution of Parliament had taken place on this question—the difficulty in Scotland would have been, not to rouse the feeling, but to restrain it within due and moderate bounds.

Hitherto, I rejoice to say, the petitions from Scotland have taken just and moderate ground. I have not seen one, my Lords, either to this or the other House of Parliament which expressed a wish to interfere with the civil rights or the political privileges of our Roman Catholic fellow subjects. Nay, more, my Lords, I have not seen one which prayed Parliament to interfere with anything which by the widest latitude of language could be considered to belong to the religious liberties of the Roman Catholics. I cannot now detain the House by explaining fully what I mean by this; but one point I am anxious to notice now. I have seen no petition from Scotland which has asked Parliament to prevent entirely what is called the synodical action of the Roman Catholic Church. My Lords, most of those petitioners are members of a Church—I am myself member of a Church—which has maintained through years of oppression, resistance, and persecution, that it is a natural right of every Christian society to meet together for the regulation of its own affairs. And although there is undoubtedly a wide difference between the priestly conclaves of the Romish Church, whose decrees may bind the conscience of a minority, and the popular assemblies to which the government of a Presbyterian—or, as it might be, of any other Protestant—Church belongs, still I am not prepared to say that it is such as to entitle us to endeavour to prevent *in toto* all synodical meetings. For my own part, therefore, I rejoice that the petitions from Scotland have not asked Parliament to enter upon this point into a contest in which I believe no Parliament can enter with any hopes of success, and from which no Parliament can retreat without loss of credit, and a tenfold aggravation of the danger.

But, my Lords, having now said so much on what the Scotch petitions do not ask, I must say a few words more in explanation of what they do say, and what they do ask.

In the first place, they uniformly proceed upon the principle that the assumption so commonly made by Roman Catholics, and I regret to say so commonly made by some Protestants also, that because we tolerate the Roman Catholic religion we are therefore bound to tolerate everything which the Roman Catholics may assert to be necessary for the full development of their Church, is an assumption neither sound in logic, nor true in fact. They remind the House that in all countries and in all times it has been found needful by every Government pretending to independence, to impose certain restrictions upon the full development of the Romish ecclesiastical system. They further remind the House that it is a principle of our own law and constitution that such restrictions should exist, and that those restrictions date—not as my noble Friend said the other day—from "barbarous times;" but from the very best times of our history—from those in which the best parts of our political system were arranged; and, farther, that the principle of such restrictions is implied, and directly provided for, in the very last Act which admitted the Roman Catholic to the Houses of Parliament.

But, farther, my Lords, these petitions almost uniformly proceed upon the assertion that whatever restrictions of the kind were needful at any former period, are not less needful at the present time. They point to the tone and manner in which this aggression has been made, as a proof of the spirit and temper in which any force acquired by the Romish priests is likely to be exercised. The noble Earl (the Earl of Aberdeen) said the other day that he was more disposed to view that aggression with contempt than with any other feeling. I indeed agree with the noble Earl that in one point of view it is deserving of our contempt; but I agree with these petitioners in thinking that in another point of view this feeling is not quite appropriate; that the power of the Romish priesthood is still a living power, still capable of exercising the most baneful influence on the welfare of nations.

My Lords, I shall not detain the House at present by any argument on this question. This much, however, I must be allowed to say, that however much under other circumstances I should have deplored some of the events of the last few days, although they have shown in the light of day and in the face of Europe, the high character and the incorruptible good faith of our English public men; however much I should have been inclined to regret the failure of an attempt to form a Government on a broader basis—embracing under one head or another the members of the late Government of Sir Robert Peel—yet under the circumstances which actually exist, and after the opinions which have been expressed by the noble Earl near me—opinions which he said were shared in by most of his former Colleagues — I rejoice in that failure. I rejoice, my Lords, that no Government has been formed in England on the basis of passing over in total silence an act which has been proved to be an aggression on the public law of Europe—on the spirit if not the letter of the municipal law of England—above all, my Lords, an aggression on which, if so passed over, future aggressions will infallibly be founded, and Parliament will ultimately be urged into the inevitable contest, only pampered by fatal admissions, and a fainthearted acquiescence.

LORD BROUGHAM presented several petitions from places in the county of Cork, praying their Lordships to reject the Ecclesiastical Titles Bill which had been introduced into the other House of Parliament. The petitioners lavished upon that Bill all the expressions of reprobation which it was possible to employ; but, though he felt bound to state their prayer to the House, he could not be expected to go along with them in the language they used when they described the measure as a violation of the principles of civil and religious liberty, as a tyrant plan, as an insult to their clergy, and a plunder of their property. On this question he would not at present express any opinion whatever; but he was anxious to state that nothing which had fallen from his noble Friend opposite, from the noble Earl, or the noble Duke who had just spoken, had shaken the view with which that night he had entered the House. Just on account of the statement made by his noble Friend (the Marquess of Lansdowne) with reference to the impossibility of establishing a strong Government, and just on account of what they had been told of the feelings of the people of Ireland and Scotland, he implored Her Majesty's Government to pause before they rejected the advice not to proceed to legislate, at least at present, on this subject, but to be satisfied with a resolution of both Houses of Parliament. That course would be attended with two inestimable advantages. It would postpone for the present that religious agitation, the worst of all agitations, which was tearing society to pieces on both sides of the Channel, though in opposite directions—it would postpone, at least, if it did not altogether allay it. It would avoid the constant renewal of that agitation and exasperation of feeling that at present too much, he might say too fatally, prevailed on both sides of the Channel; and it would give time for what he had always thought called for, and what events the events of the last few days added infinite force to—further inquiry; to obtain fuller and more accurate information respecting all the matters involved in the question. When Napoleon established a concordat with the Pope, the first step he took was to call to his councils one or two of the best informed and most trustworthy priests he could find; and he had reason to believe that he took the precaution of conversing and consulting with them separately, so that one did not know what the other said, or even who the other was, so that no concerted story should be told him. All who were acquainted with the history of that important period would tell them that the course then taken had at least this effect, that there was no appearance of haste in the transaction, and that it was not gone into with an imperfect knowledge of the subject. He repeated that he trusted Her Majesty's Government would see the importance of delay, and of inquiry before they proceeded to legislate on this most important question, if legislate they must.

The MARQUESS of BREADALBANE presented several petitions against the Papal Aggression, and said he could assure their Lordships that the people of Scotland would have tolerated no such aggression. The noble Lord did not know the feeling of the people of Scotland, if he believed that they were not opposed to the Papal Aggression; on the contrary, he the (Marquess of Breadalbane) could state that, although there had been few public meetings in, and few public petitions from, that country, the feeling was remarkably strong all over the kingdom. Considering, however, the state of our information, he thought they could hardly come to a fair and sound decision without further inquiry. They did not know, for instance, what were exactly the powers claimed by this Cardinal, who was a foreign temporal prince. Altogether the subject was so complicated, as, in his opinion, to suggest the propriety of extended inquiry before they proceeded any further in legislation. There were institutions in this country connected with the Roman Catholic Church which he thought were totally inconsistent with our free institutions. He alluded to the nunneries—where they heard of young persons immured in dungeons, and of some of them attempting to escape. On this and other subjects, he thought that the law of this country should be made paramount to the canon or any other law, and that every care should be taken to preserve the Protestant institutions of this country.

LORD BROUGHAM denied having represented the people of Scotland as indifferent on the subject of the Papal Aggression. On the contrary, he had instanced the excitement prevailing in that country as a ground for proceeding by resolution instead of legislation.

The EARL of ABERDEEN: My Lords, I wish to offer some explanation, in consequence of remarks which have been made, not altogether quite regularly, upon what I said the other night, since noble Lords were present in the House, and might have noticed, if they had done me the honour to do so, what I said at the time. I wish to explain, in consequence of a misconception and misapprehension on the part of my noble Friend the noble Duke (the Duke of Argyll), in which he gave your Lordships to understand that I had recommended that this aggression should be passed over without any notice, and, as it were, in silence. Now, that is not the case; for I particularly mentioned, in the few words that I addressed to your Lordships on Friday last, that I thought it might properly engage the attention of Her Majesty's Government, and even of Parliament; and in saying so, I referred to an opinion that I expressed to the noble Baron below me (Lord Stanley), before the meeting of Parliament, that the proper mode of proceeding was that which has been pointed out to-night by the noble and learned Lord, namely, by a Resolution of both Houses of Parliament carried to the foot of the Throne. I said, then, and I am much mistaken now, if the experience of both Houses of Parliament will not convince them very shortly of the difficulty of legislating on this subject. I understand that the noble Lord now at the head of Her Majesty's Government has already proposed to alter very materially the Bill which he has introduced, and he will find, as he further advances in the prosecution of a measure of this description, that the greatest difficulties will surround his progress.

The noble Earl below me (the Earl of Roden) thought fit to allude to my remark as to the measure being one of a penal character, and savouring of persecution. Now, penal it certainly is. Whether you impose a fine of 100*l.* upon a man, or imprison him, your act inflicts a penalty, though whether that penalty be severe or not is another question. But I must be permitted to remind the noble Earl, that persecution is a very different thing at different periods. People entertain very different notions of what persecution is according to the age in which it is exercised, and according to the society in which they live. I doubt not that when Archbishop Cranmer had a poor wretch put to death for denying the King's supremacy, he had not the slightest idea that he was persecuting. Calvin, when he burned Servetus, never thought that he was a persecutor. No doubt that even Philip II., and the Duke of Alva, considered that all they did was redeemed by their tender regard for the salvation of souls. But those days are past. I have formerly heard in this House eloquent speeches, especially from the woolsack, proving that the Roman Catholics of this country had every privilege which they could in reason expect to enjoy; and the greatest opposition was made in quarters of eminence to those privileges which I believe now all your Lordships are agreed, or the majority at least of your Lordships did agree, were properly bestowed on the Roman Catholic subjects of this country by the Relief Bill. But the speech of my noble Friend near me (the Duke of Argyll), if it was good for anything, was a very good reason for repealing the Catholic Relief Act, for its whole spirit would completely justify such a course of proceeding. The proposed measure will probably be ineffectual, and will therefore inflict no penalty; but if it should be effectual, I maintain that it is the lawful right of the Roman Catholic Church in this country to constitute regularly and in the ordinary manner their episcopal government; and I maintain that any impediment to that action on their part is persecution. The measure attacks that which is an acknowledged right in every Church. Times are changed. If the Roman Catholic Church were not tolerated by law, the case would be altered; but having admitted the Roman Catholics to an equality of civil rights, I say they have a right to constitute their Church in a legal and regular manner. Although, for reasons which may have satisfied them, they have for a long period acted under vicars-apostolic, there is nothing in justice or in common sense to prevent their appointment of bishops in a regular and proper manner.

I really must deprecate the recurrence of these daily debates on this subject, that take place on the presentation of petitions. I desire most ardently — although, as your Lordships must be aware, I have obtruded myself but very charily on your attention—but I desire, I say, most ardently, to have an opportunity of expressing fully my views on this subject, and the conviction which I entertain that the course we are pursuing is most fatal to the tranquillity of the country.

The Duke of ARGYLL certainly had understood the noble Earl to say that he was unwilling to take any action as a Member of the Government he was invited to join.

Lord STANLEY also explained that he remembered, before the commencement of the Session, that the noble Earl had said to him that it was, in his opinion, inexpedient to legislate on the subject; but since Parliament met, and during the recent negotiations which had taken place, he did not remember that the question had been once raised or discussed between them.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 3, 1851.

Minutes.] Public Bill.—1ª. Appointment of a Vice-Chancellor.

THE MINISTERIAL CRISIS.

Order of the Day for the Second Readin of the Ecclesiastical Titles Assumption Bill read.

Lord J. RUSSELL: Mr. Speaker, I now have to inform the House of what has occurred since I last addressed it, and to state the course which I purpose to pursue. Since I last addressed the House the public has been put in possession of a statement made by Lord Stanley with respect to his attempts to form a Government, and the reasons why those attempts were not successful. It is not my intention to make any comment on those reasons; but I feel it right—especially after the rumours which have been spread on this subject—to say that it appears perfectly clear that Lord Stanley had full power and opportunity to form a Government, and that no request he thought it reasonable to make was denied him in the progress of his negotiations. Sir, I stated on Friday last, that Her Majesty had been pleased to send for the Duke of Wellington, in order to learn his opinion on the present state of affairs. The Queen saw the Duke of Wellington on Saturday, and late yesterday evening Her Majesty received a written communication from his Grace. I had the honour of an audience of the Queen this morning at 12 o'clock, and Her Majesty having received the opinion of the Duke of Wellington, that, in the present state of affairs, the best course Her Majesty could pursue was to invite her former Ministers to resume office, Her Majesty was pleased to desire that Her former Ministers should resume their offices accordingly. Sir, after what has occurred—after the failure of the repeated attempts which have been made to form a Government, as has been stated to the House—I and my Colleagues thought that we could not perform our duty to Her Majesty and the country otherwise than by accepting the offer which Her Majesty had been pleased to make. Having entered so fully the other day into the subjects which have recently formed matter of debate, I will only say now that I trust the House will allow us till Friday next before proceeding with matters of public debate, by which means we shall have an opportunity of considering the various measures we purpose introducing, and the state of public business generally. I purpose proceeding with the Ecclesiastical Titles Assumption Bill on Friday, and my right hon. Friend the Secretary of State for the Home Department, on moving the second reading of that Bill, will state what amendments and alterations it is intended to make in it when it shall go into Committe. I therefore propose that the second reading of the Bill shall be fixed for Friday, with the intention of taking it as the first Order of the Day. Before, however, proceeding with the Orders of the Day on Friday, I will state the course which the Government mean to pursue with respect to other business before the House—as far, at least, as fixing the time at which it shall be brought under consideration. On that occasion I will answer the question put to me the other day, which I was not then in a position to answer, as to the time at which we shall proceed with the Budget. On Friday I shall be prepared to state the day on which the Budget will come on, and the course which we are prepared to pursue on that subject. I now move that the Order of the Day for the Second Reading of the Ecclesiastical Titles Assumption Bill be postponed to Friday next.

Mr. B. OSBORNE: Does the noble Lord intend to persist in the Budget which has already been open to the House?

Lord J. RUSSELL: I have said I will state on Friday next on what day the Budget will be proceeded with. It would be exceedingly wrong in me, in the present state of public business, to enter into further explanations.

Mr. KEOGH would ask the noble Lord if it would not be reasonable, after all that had taken place, not to proceed farther on Friday night than the statement of the right hon. Gentleman the Home Secretary? The noble Lord had stated that the second, third, and fourth clauses, if they were not altogether withdrawn, were at least to be materially modified. Now, it was but reasonable that the people of Ireland should have time to consider those modifications, for the effect of those modifications might be to make it an entirely new measure. He would suggest, therefore, to the noble Lord—and he was sure the noble Lord would be willing to concede whatever was reasonable under the circumstances—that he should postpone the measure for a week or ten days, to allow time for consideration of the alterations.

Lord J. RUSSELL: I should be quite willing to make any reasonable concession on this subject, but I do not think that the statement of my right hon. Friend need affect the second reading of the Bill. Indeed, it is rather unusual that the Amendments, which can only be proposed in Committee, should be stated before the second reading; but I am anxious that these Amendments should be made known as early as possible to the people of Ireland; and it will be for hon. Members, having heard the statement on Friday, to say whether they will agree to the second reading or not.

Mr. M. GIBSON was afraid the second reading of the Bill would take up a very considerable portion of time, and have the effect of postponing to a very remote period the financial business of the country. He would make an appeal to the noble Lord—not, he could assure the House, in any spirit of levity—whether it was right to give a measure of this sort an undue precedence over the general public business of the country? He had ventured to say, on the very first day the noble Lord proposed an adjournment of the question, that it would be unwise to proceed precipitately, and he thought the noble Lord would admit now that what he again suggested was not unreasonable, seeing what might subsequently happen, and seeing also that the Bill as it now stood was positively objected to by all parties in the country. He understood that Lord Stanley had stated elsewhere that he was not prepared to legislate at all on the subject at present—that he thought the country precipitate—and that legislation ought to be preceded by cautious and deliberate inquiry. If ever there was a question more likely than any other to inflame the passions of the people, and to lead to inconsiderate legislation, it was a question of this nature; and therefore he, for one, protested against any undue precipitation of the measure. It appeared that all the people of the country, Lord Stanley himself included, condemned the Bill as it now stood. This was a proof that the House had proceeded with this legislation in haste, and without due deliberation. He hoped now that ample time would be given for full consideration of the subject; and, above all, that the measure should not take precedence of the important financial business of the country; that that business would not be postponed to a late period of the Session; but that it might be afforded a fair chance of being deliberately considered at an early day.

LORD J. MANNERS said, that, looking to the peculiar circumstances under which the reconstruction of the Cabinet had taken place, he was sure he gave expression to the universal feeling of Members on that (the Opposition) side of the House, in assuring the noble Lord that from them would proceed no factious or unnecessary opposition to his policy. But, while expressing what was the general feeling of the Members on that side of the House in that respect, he felt it necessary to say that, should their assent be asked to any measures in antagonism to their general principles—whether with respect to finance, or the great social and industrial questions which had already occupied the attention of the House for several days—it would be their unpleasant duty to withhold it. Nay, more, he thought he might say, tha should Ministers unfortunately take no notice of the agricultural distress, which had been acknowledged by Her Majesty's advisers, he had but little doubt that at a fitting opportunity, so as not to interfere with the conduct of public business, the hon. Member for Buckinghamshire would ask the opinion of the House on some measure which would have for its object the relief of that admitted distress.

MR. REYNOLDS said, that with every possible anxiety to respond to the wishes of the noble Lord at the head of the Government to avoid discussion, he felt that if he did not make a few remarks on the present occasion, he should be abandoning his imperative duty. He confessed that, after all which had occurred during the last fourteen days, he had heard the declaration of the noble Lord with reference to his Ecclesiastical Titles Bill with very considerable disappointment. He had hoped that the upset of the State coach, if he might use the expression, would have involved the necessity of getting some new passengers. He had entertained a hope that there would not have been so much determination expressed to proceed with this bad Bill. He fully joined in the remark made by the right hon. Member for Manchester that there ought not to be so much precipitancy about this Bill, and that it ought not to be introduced to the prejudice of other and more important questions. The speech of the right hon. Baronet the Member for Ripon on Friday night, had afforded him and the Catholic Members of that House much pleasure and satisfaction; and for that speech he (Mr. Reynolds) availed himself of that opportunity to offer to the right hon. Baronet his sincere and heartfelt thanks. He felt that as a Catholic he was bound to offer him his thanks, and he did so. What had the right hon. Baronet told them? Why, that he was opposed to all legislation on this angry subject. The same sentiment had been quoted by Lord Aberdeen. He (Mr. Reynolds) presumed that the illustrious Duke, whose name had been mentioned that night by the noble Lord as having advised Her Majesty to restore her former Ministers, was of the same opinion; and yet, in the teeth of all this, the noble Lord had just stated that he would move the second reading of the Ecclesiastical Titles Bill on Friday next. He (Mr. Reynolds) objected to be left in the dark on this subject. He agreed with the hon. and learned Member for Athlone that the House ought to know now whether the second reading of the identical Bill, or of an entirely new Bill, was to be proceeded with on Friday. He observed that the noble Lord bowed assent, and he understood by that movement that the second reading of the same Bill was to be moved on Friday. He was glad to hear it, for such an intimation would be a public notice, at all events, to the Irish Members who felt as he felt that they ought to be present to offer opposition. He had deemed it his duty to offer it all the opposition in his power up to this date. He had not altered his determination; and now he wished to declare this publicly that he would offer opposition to it in all its stages. He might be told that his opposition was of no avail. He feared it would be of little avail unless the Irish and English Members stood together; and if the Irish liberal Members stood together—without using any remark that could be construed into a threat—he defied the noble Lord to pass the Bill. And he told the noble Lord now—and he had some experience on the subject—that even if he passed the Bill, a Bill of pains and penalties, a Bill that contained a declaration of war against the Catholics of the united kingdom, there was one part of that kingdom, at all events, in which it would be a dead letter, and that part was Ireland. He was not now speaking for England. The Catholics in England were only a small fraction of the people in numbers; but what they wanted in numbers they made up in respectability. He believed they, also, were determined to offer opposition to the Bill; at all events, the Catholics of Ireland were determined to make common cause with the Catholics of England, and they were not prepared to take any part that would have the effect of inflicting pains and penalties on the latter. He had been told that the people of England had demanded the Bill. He did not believe it. He believed the millions of England did not care about it—that they were more anxious for enlightened legislation, for a repeal of the window tax, for a popular Parliamentary franchise, for a lightening of the pressure of taxation, and not for what was proposed in that House—a lightening of the pressure of taxation on the rich, and an increase of it on the poor. He had looked over the list of petitions, and found that the aggregate number of petitions presented to the 24th of February, in favour of the noble Lord's Bill, was about 600, and that the number of signatures attached to them was about 120,000; and this out of a population of 16,000,000. And what had he further found? Why, that up to the same date the number of petitions presented against the Bill was about 500, and that to these were annexed 150,000 signatures. Therefore 120,000 were in favour of coercing the creed of the people, while 150,000 were against it. He would suggest to the noble Lord that before bringing forward this Bill to coerce the creed of ten millions of people, he would act upon the suggestion of Lord Stanley, that there ought first to be inquiry by a Committee, but that they should not proceed in a railway hop-step-and-jump sort of legislation on a question of this kind, on a pretence that the people of England required it. He had a right to offer his opinions on this subject, because the twenty Irish liberal Members had received the thanks of their constituents for having taken the linchpin out of the stage coach. He now gave notice that on every future stage of this Bill of pains and penalties—this insulting Bill, which was a violation of the Emancipation Act—there was not an Irish liberal represesentative who would not attend and record his vote against it, no matter how it might be modified. An hon. Gentleman had said the other night, that Scotland had nothing to do with it. He (Mr. Reynolds) observed that the right hon. Secretary at War intimated as much as to say that Scotland had had something to do with it; but there had scarcely been any petition from Scotland calling for coercion. He had been informed by his hon. Friend the Member for Rochdale that the great majority of Protestants and Presbyterians of Ulster were totally regardless of the Bill. The movement had, therefore, been of an artificial description; but it succeeded in diverting attention from other more substantial pursuits; for here they had been sitting a month, and what had been done for the nation during that time? Nothing but scolding the Pope and Cardinal Wiseman. He hoped the noble Lord would give him some assurance whether he really intended to proceed with the second reading of the Bill on Friday. At all events the Catholic Church derived its power from authority to which every temporal authority must bow; and could, therefore, laugh at their puny efforts to enslave it through the means of a petty, ill-advised, and bigoted Act of Parliament.

MR. OSWALD wished to put one question to Her Majesty's Government, whether in the Bill, as it was to be modified, the noble Lord still intended to prohibit, as the Bill now before the House did, the bishops and deans of the Episcopal Church of Scotland taking the titles of their dioceses, as they now did?

LORD J. RUSSELL: I am not going now to enter upon that question. My right hon. Friend the Home Secretary will state on Friday what alterations are to be made in the Bill; and I may state, in reply to the hon. Member for Dublin, that he does not seem to recollect that it is necessary for the Bill to be read a second time before any amendments can be made, as those amendments can only be made in Committee.

MR. WAKLEY hoped the noble Lord would consider this matter deeply before Friday next. He hoped that the noble Lord would review the whole course of his proceeding with regard to this Bill—that he would not press its second reading at the present moment, but either shelve it for the Session, or refer it to a Committee, which would have the same effect. After the speech of the right hon. Member for Ripon, it was perfectly impossible to pass the Bill during the present Session. He (Mr. Wakley) was firmly satisfied that this Bill could never be passed under its present title, and that a great alteration must be made, not only in its title, but also in its character, before it could receive the assent of the House of Commons. As it now stood, it never could possibly become the law of the land. Did the noble Lord see what would be the effect of opposing this proposition? It would only be to give force to an adverse party. The House had been sitting for a month, and yet nothing had been done for the good of the people. The noble Lord (Lord Stanley) who was at the head of the party in another place, had, in his (Mr. Wakley's) opinion, in the most manly, frank, and noble manner, stated the course which he intended to pursue. He thought that the noble Lord had acted in a way that entitled him to the warmest thanks of the House and of the country. He (Mr. Wakley) perfectly agreed in the propriety of the course which the noble Lord had intended to pursue. He trusted that the same course would be pursued in this House. The noble Lord the Member for Colchester had told the noble Lord at the head of the Government that no factious opposition to that Government would be given by his party. Why, he (Mr. Wakley) considered that party a decapitated party, and any opposition from it would be factious. When he called it a decapitated party he only applied to it the description given of it by the noble Lord (Lord Stanley) in another place. The noble Lord had said, that of his 270 followers in the Commons there was only one of them that had any official experience; that he could not take him, and, as to the others, he would not have them at any price. That was the statement of their acknowledged leader in another place. That noble Lord had, with a frankness for which he gave him great credit, given a full exposition of the policy he intended to pursue. That noble Lord had stated that he meant when he came into office to impose a duty upon the food of the people. The noble Lord, in the most frank and undisguised manner, stated what were his intentions; whilst the course pursued in that House—the Commons—was of an opposite character. The hon. Gentleman opposite made out a case for the owners and occupiers of land. What the owners had to complain of he could not discover, whilst as to the distress of the occupiers he deeply deplored it. The remedy the noble Lord (Lord Stanley) proposed was the imposition of a higher price upon food brought into this country. This, then, it was for which they were to fight—this was to be the battle at the hustings, a high price, or a low price, on the food of the people [*Cries of* "No, no!" from Protectionist Members]. He was but telling them that which their leader had said in another place. Under these circumstances, he trusted the noble Lord at the head of the Government would bear in mind what had been the declarations made elsewhere. The noble Lord should consider the unreserved mode in which that declaration had been made, and he now told the noble Lord that the country had a right to expect great candour on the part of the Administration. He trusted that the noble Lord would alter the decision to which he appeared to have come with respect to the Ecclesiastical Titles Bill; and that he would tell them at an early period on Friday what was to be the budget in its newly-constructed form. They saw that they were threatened with import duties on food. To that the people were opposed. What they wanted was a reduction of the expenditure, and thus leasening the burdens of taxation. To the noble Lord credit was given for sincerity and ability; but great regret was felt that he had not more efficient Colleagues; and the wish was that he would look about and see if he could not be aided by men with a greater capacity for government. The people were careless whether they were governed by Whig or Tory. All they wanted was cheap, honest, and good government.

The MARQUESS of GRANBY said, that the hon. Gentleman who had just sat down had paid a well-deserved compliment to Lord Stanley, for the statesmanlike and moderate speech he made in another place; but the hon. Gentleman went on to say, that the noble Lord had confessed he was unable to form a Government, because he could find only one person of official experience in that House, and that that person was one in whose sentiments he did not agree.

MR. WAKLEY explained that what he said was, that Lord Stanley had declared he could find only one person of official experience in that House; and in his (Mr. Wakley's) opinion that person was of the wrong kind.

The MARQUESS of GRANBY was anxious not to be led into a corn-law debate on that occasion, but he must be allowed to state that what Lord Stanley did say in the House of Lords—[*Cries of* "Order!"]—well, in another place, was not that he wished to raise the price of the food of the people, but that he thought a revenue might be obtained by means of a moderate duty on foreign corn, without materially raising the price of food.

MR. MOORE said, he was not going to discuss the Ecclesiastical Titles Bill, but he did think it necessary to urge upon a bewildered House, and upon a ruffled Administration, the necessity of taking time—the one to recover its senses, and the other again to try its wings, before they entered upon a course of legislation which more than any other required a serenity of mind and a well-formed judgment, which the events of the last few days were very much calculated to destroy. If they were determined to legislate upon this question, they should not at all events depart without chart or pilot upon that troubled and unknown sea on which the Administration had once already foundered, and on which some of our most experienced and ancient mariners had declined to spread their sails. He thought it would be generally admitted that a species of legislation like this, however necessary, was so caculated to excite angry animosities, so calculated to stir up bad passions and sectarian hatred amongst the people, that whatever legislation they might be compelled to adopt, should at all events be conclusive. He was afraid that the noble Lord's Bill would lead to a species of experimental legislation, to persecution by instalment, and a succession of blisters calculated to keep alive every old sore, and awaken every dormant susceptibility amongst the people upon the question of religion. Besides, the operation of this Bill would apply chiefly to that part of the empire with regard to which they had too often been in the habit of making mistakes in legislation, and with regard to which it was of the utmost importance that such mistakes should be made no more. The noble Lord had had three months in which to mature his measure, and now that it had been brought forward, the noble Lord confessed that it would not produce the effects which he intended it should produce. The noble Lord had consequently stated, that it was his intention in a few days to introduce such a Bill as he thought would better answer his purpose. Under such circumstances, then, ought not the noble Lord at least to give some notice of the provisions of his new Bill before he pressed it to a second reading?

MR. NEWDEGATE wished to be informed whether there was any objection to lay before the House copies of the Addresses which had been presented to Her Majesty from different parts of England, Ireland, and Scotland, with regard to the present Papal aggression?

SIR G. GREY said, they had been already ordered to be printed.

MR. SADLEIR had not been able to gather from the statement of the noble Lord, whether it was his intention to expunge some of the clauses of the Bill now before the House on Papal aggression. If such was his intention, he thought the right hon. Gentleman the Secretary of State for the Home Department ought to state which of the clauses it was intended to expunge, and also the precise nature of the clauses which it was intended to introduce. As it might be the noble Lord's intention to introduce an entirely new Bill, he appealed to him whether it was unreasonable to demand that at least ten days should be allowed to the Roman Catholics of the united kingdom to consider its nature? He had no desire to meet the noble Lord on this subject in any factious spirit;

but the noble Lord knew perfectly well, that if he attempted to coerce the Irish Members, they would take such a step as would compel the Government to afford them ample time to consider the probable consequences of the Bill.

Second Reading deferred till Friday.

NEW PLACES AND APPOINTMENTS.

MR. W. WILLIAMS moved for a return of all new places created, and appointments made, since the 6th day of April, 1848, whether under any Act of Parliament, or by any other authority, and of the names of the persons appointed to them; stating, separately, the salaries of each, and the estimated annual expenses of the establishments in connexion with such appointments, in continuation of Parliamentary Paper, No. 633, of Session 1848. A similar return in reference to the creation of new places had twice previously been granted. Information of this description was exceedingly valuable, and he trusted that it would not be refused on this occasion. From the former returns he had elicited these facts, that, from the 1st of September, 1841, to March 1845, during Sir Robert Peel's Government, there had been 600 new places created, with salaries attached amounting to 225,000*l.*; and that, during the Administration of the noble Lord now at the head of the Government, the return being from March 1845 to April 1848, there had been 1,414 new places created, with salaries attached amounting to 297,276*l.* Thus, in a period of seven years only, they had 2,014 new places, with salaries attached amounting to 522,276*l.* It was very desirable that this return should be continued, and that the House should further possess the knowledge of the new places created under the Government of the noble Lord from 1848 up to the date of his recent resignation.

The CHANCELLOR OF THE EXCHEQUER said, that if he had been aware of the hon. Gentleman's intention to make this statement, he would, of course, have come down prepared with papers to show that, during the time the present Government had been in power they had reduced far more places than they had created. He would not, however, object to the return being granted.

LORD J. RUSSELL said, that the return for which the hon. Member had just moved would only show the number of places created, but not the number of places made void. For instance, supposing that 2,000 places had been abolished, and 1,000 had been created, the return would only show the number of creations, but would give no idea whatever of the savings that had been effected.

Return ordered.

The House adjourned, at Six o'clock, till Friday.

HOUSE OF LORDS,

Tuesday, March 4, 1851.

TRANSPORTATION OF CONVICTS—VAN DIEMEN'S LAND.

LORD MONTEAGLE rose to present a petition from the colonists of Van Diemen's Land, relating, he said, to subjects of no common importance. It referred primarily to the internal condition of that important colony; but it also stated facts which opened the whole question of transportation as a secondary punishment. It was most numerously and respectably signed. In order that their Lordships might understand the statements contained in the petition, it was necessary they should bear in mind the fact, that some years ago a petition was presented from the same Colony very much to the same effect with the present. That petition was entrusted to his noble Friend the President of the Council. Redress was then promised by the Government; but he was assured that many of the subjects of complaint which at that period existed, still remained unredressed. The petitioners stated that, in consequence of the intention expressed by the Government to modify, if not wholly to abandon transportation, and to adopt a new system of secondary punishment, the colonists, in the years 1840 and 1841, at a very great expense to themselves, had encouraged the immigration of many thousands of free settlers; but, instead of the fulfilment of their expectations that transportation to Van Diemen's Land would cease, an arrangement was subsequently made by the Government at home, by which that colony had become the sole receptacle of convicts from the home country, and the condition of the colonists had been fearfully deteriorated from the large number of lawless and criminal persons settled there. They therefore complained that the pledge solemnly given by Her Majesty's Government had not been carried into effect. This, in his (Lord Monteagle's) judgment, was a most material part of the question. As to the expediency or inexpediency of transporting convicts to Van Diemen's Land, important as that matter certainly was, it was by no means so important as the question, whether the Government of this country had or had not been guilty of a breach of faith towards the inhabitants of that colony. The petitioners stated that, at the opening of the Legislative Council in 1848, Sir W. Denison had formally announced that it was the decision of the Government that transportation to Van Diemen's Land should cease altogether. At a previous period the Home Government had assured the colonists that transportation should be suspended for two years; but before the termination of that period transportation had been resumed. A pledge had also been given, that each transmission of convicts should be accompanied by an equal number of free emigrants. The convicts were sent, but unaccompanied by free emigrants or by women. The successive revolutions of the Government were in perfect accordance with the wishes of a large portion of the free inhabitants of Van Diemen's Land; but, said the petitioners, notwithstanding all those pledges, not one of them had been observed. The consequence had been most injurious. The enormous proportion of the convict population to the free settlers had not only destroyed the best hopes of the colony, but the effect had been what was anticipated years before, namely, the driving out of the colony a large portion of the original free population and of the free immigrants. The petitioners concluded by stating, that they had continually before their eyes the mournful results, both material and moral, which must attend perseverance in the present system, and that they could no longer place reliance on the promises of the Government, which, to their cost, they had found so often disregarded. Such were the complaints of these petitioners; but, in laying them before the House, he felt bound, in justice to the Government, to state that the difficulties of Van Diemen's Land had been augmented as much by the action of Parliament itself as by any acts or omissions either of the noble Earl (Earl Grey), or of those who had preceded him in office. Parliament, not acting upon any definite plan, not considering the consequences which one change would have in rendering another necessary, had from time to time made such sudden and unexpected alterations of system in regard to convict transportation, without providing for the consequences, that the colonists were always placed at a disadvantage. Thus, at one period the assignment system was suddenly abandoned, without providing any substitute. Then all transportation to North South Wales was prohibited. Subsequently, the punishment of the hulks was prohibited, and all convicts were sent abroad. A penal colony was proposed to be established in North Australia; but that was given up at present: with the exception of a limited number employed at Bermuda and Gibraltar, the whole tide of our convicts was poured out on Van Diemen's Land. The effects upon the economical and moral condition of the colony had been such as to justify the loudest complaint. The population of Van Diemen's Land was 70,000, of whom 32,173 were free; thus showing that considerably more than one-half were convicts. He was bound to mention that a few convicts were received in West Australia; but great dangers were in prospect. The House could not but remember the case of the Cape of Good Hope, where an ineffectual attempt was made to introduce a body of convicts sent from this country; and it was to be feared that the example then set might produce bad results in other cases. He believed there existed a very general determination on the part of all the Australian colonies to resist the further continuance of transportation; there was reason to apprehend that the people of Van Diemen's Land and of the other colonies might be led to take steps—he sincerely hoped, not following the fatal example of the Cape indeed, but by more legitimate means—to render the future introduction of convicts into any part of those colonies utterly impossible. The subject was, indeed, one of very great importance, and well worthy the most serious attention of their Lordships. If transportation were rendered impossible, he implored their Lordships to consider what substitute could be provided, and how the administration of justice could be carried on. He was quite aware of the great improvements introduced by the present Governor of Van Diemen's Land (Sir W. Denison); he was far from suggesting that the Home and Colonial interests might not be reconciled in the employment of convicts; but he could not help feeling much alarm at the present state of things and at our present prospects, and he could not but respectfully warn the House and the Government of the perils against which it was their duty to provide.

EARL GREY said, the noble Lord had presented a similar petition last year, and he (Earl Grey) had then gone so fully into the question that it was unnecessary for him to trouble their Lordships at any length. But as the noble Lord had again referred to what he had contradicted last year, namely, that there had been a breach of faith on the part of Her Majesty's Government with regard to the colony of Van Diemen's Land, he must again, in most decisive and explicit terms, deny the justice of that accusation. It was most true that an intention existed of doing away with transportation as previously carried on in Van Diemen's Land; and in every despatch that had been not only laid on the table of that House, but transmitted to Van Diemen's Land, it was invariably stated that the intention of the Government was not to continue transportation as it had previously existed. He did not deny that in the despatches sent out, and the speeches made, expressions might have been used which, taken by themselves and separated from the statements of which they formed a part, were capable of being represented as indicating an intention of putting an end to transportation; but no man who read those despatches, or had heard those speeches, could fail to perceive that—while it was intended that the greater part of the sentence should be inflicted in this country—it always formed part of the system to send the convicts out to the Colonies, and more especially to the Australian Colonies. This had been declared, not only by himself, but by his predecessor, who, like himself, had pointed out that in a country like this, where the labour market was so well stocked, and where it was difficult for any but persons of irreproachable character to obtain employment, in a great majority of cases the convicts must be driven back to crime, which the example of France proved to be an evil of the greatest magnitude; whereas in a colony these selfsame persons, after the expiration of their punishment, were found, in a great majority of instances, to become useful members of the community. He had before pointed out to their Lordships that, according to the best calculations, there were at the time when he addressed their Lordships last year 48,000 persons at large in the Australian Colonies who had been removed from this country as convicts, by far the great majority of whom were earning their livelihood by honest industry, with advantage to themselves, with advantage to the colonies, and with advantage to this country. It had, therefore, been the object of the Government that at some stage or other of their punishment convicts should be removed. He was opposed then, as now, to the system of employing gangs of convicts in our Colonies at a great distance from the seat of Government, and, where it was difficult to establish a thorough superintendence, was a system liable to abuse, and that, therefore, that portion of the punishment consisting of penal labour should be carried on under the immediate control of the Government, either in this country or in the comparatively near stations of Gibraltar and Bermuda, but that ultimate removal to one of the Colonies should take place. Experience showed the impolicy of letting men suddenly loose after undergoing severe penal discipline, to become their own masters in places where high wages were easily obtainable; and it was felt that it would be a great improvement if these persons were sent with tickets of leave, which could be withdrawn at pleasure, into the more remote districts, where they would not be exposed to the temptations to which they would be exposed in the towns. Her Majesty's Government also felt themselves bound to attend to the expressed opinions of Parliament. He need not remind their Lordships that a Committee was appointed by that House in 1847, and the subject was also discussed in the other House of Parliament, and in both Houses a strong opinion was expressed as to the necessity of some modification of the views entertained by Her Majesty's Government. It was the duty of the Government to conform to the opinion so expressed. Having so far vindicated the Government, he hoped, from any want of good faith towards Van Diemen's Land, he had nothing more to add except this—that he fully concurred with his noble Friend on the cross benches as to the hardship and injustice inflicted on the colony by the course which had been adopted from 1840 to 1845; but neither he nor his predecessor were responsible for this so much as Parliament itself. An Address was carried in the other House, calling on the Crown immediately to remove from this country a very large number of convicts. He was bound to say that the measure was adopted by the other House very rashly and inconsiderately; nor could he altogether acquit the Executive Government of the day of all share of the blame. Still, had the House of Commons voted the necessary money to make the requisite arrangements in Van Diemen's Land, even that large number of convicts might probably have been sent there without injury to the colony. But, with regard to past errors, all that they could do was to take a lesson from experience, and endeavour to correct them for the future. He concurred in what had been said as to the necessity of dispersing the convicts as widely as possible. He deeply regretted the necessity for sending so large a number to Van Diemen's Land, but he firmly believed that necessity would not much longer continue. His noble Friend had described the very strong feeling prevailing in the Australian Colonies; but the noble Lord did not distinguish between the views prevailing in different parts of those Colonies. In Western Australia, for instance, the settlers were unanimous in their desire for a supply of convict labour. But they were not alone. The papers on the table showed that in the northern part of New South Wales it was the unanimous wish of every stockholder and occupier of land that convicts should again be sent, having found their services of so much value as stockmen and shepherds. Petitions to that effect had been presented to Her Majesty both by persons interested in that part of the colony resident in this country, and by those residing on the spot. Nor was he surprised at this, for he knew not from what other source the inhabitants of those districts could obtain labour of the kind and to the extent which they required. The funds for sending out free emigrants were extremely limited, and when they were sent, there were no means of enforcing their residence in these remote districts of the colony where the production of wool was principally carried on; while, in the case of the ticket-of-leave men, they had the power of sending them to those districts where they were most wanted. He had received a few weeks ago a despatch, reporting the arrival of the last convict ship sent to New South Wales under the arrangements in progress. The convicts sent by that vessel had undergone the preliminary punishment at Portland or Pentonville, and their conduct was described as unexceptionable; and it was gratifying to know that out of 1,618 convicts sent out to New South Wales, between June, 1849, and April, 1850, with tickets of leave under the existing plan, there were only forty from whom it had been found necessary for misconduct to withdraw the tickets of leave, and of those only ten were cases of a serious description —the other thirty being merely for offences against discipline—and of those ten, five were for no more aggravated offences than common larceny. This was a most gratifying result. He had no hesitation in saying that these convicts had proved a most useful accession to the colony, and he was persuaded that when they had entirely viewed the working of the system, the inhabitants of New South Wales would feel that it was for their own interest that convicts should be sent there. He admitted that they ought not to be sent to Sydney or Melbourne, or any of the more considerable towns, or to the more thickly-peopled country districts; but they would be of immense advantage to those regions now becoming covered with sheep, the increase of which was prevented by the deficiency of labour to take care of them. In the Legislative Council of New South Wales in August last, a very eager debate took place on the question whether transportation should be renewed; and a division took place, in which there were thirteen on one side, and thirteen on the other. The Motion then was for the adjournment of the debate for a month, which was carried by the casting vote of the Speaker. At the end of the month he had reason to believe, from the accounts he had received, that the anti-transportation party carried the day. But when the Act passed last Session should come into operation, dividing the colony, the result would no doubt be different; for a separate legislature would then be created at Port Phillip, and he found that the representatives of this district in a body voted against receiving convicts, whereas New South Wales Proper voted in favour of it. He therefore felt little doubt that the colonists of New South Wales would not be so blind to their own true interests and the interests of this country as permanently to decline the reception of convicts. He felt the more secure for this reason. The Act of last year contained a clause by which Her Majesty was enabled on the petition of the inhabitants of the northern district of Australia to separate them into a distinct colony; and he believed that every single individual of any property in that part of the colony wished to have the advantage of convict labour, and he had no doubt that if the Legislature should refuse to acquiesce, Northern Australia would avail itself of that power and apply for a division of the colony, for the purpose of obtaining a supply of the labour of which they were in such urgent need. He would only add, that the latest accounts from Van Diemen's Land clearly proved that while undoubtedly, he was sorry to say, a very strong feeling prevailed amongst the inhabitants against receiving convicts, on the other hand there was the clearest evidence that the colony was rising, perhaps slowly, but certainly beginning to recover from that state of severe depression from which it had been suffering. The demand for labour was increasing, the land revenue was more especially improving, commerce was extending, and new and important sources of employment were beginning to develop themselves; in particular, the business of shipbuilding appeared likely very speedily to rise to great importance, and from the great natural advantages which the colony possessed in its magnificent timber and convenient harbours, it was likely to be prosecuted with very great advantage and success; and in this the supply of trained convict labour would be of the utmost advantage. The fruits of an improved system of convict discipline were beginning to show themselves in the great diminution in the number of convictions, and particularly from the circumstance that the fees received at the police-courts for drunkenness had fallen off in a manner truly surprising.

House adjourned to Thursday next.

HOUSE OF LORDS,

Thursday, March 6, 1851.

MINUTES.] PUBLIC BILL.—2ª Passengers Act Extension.

THE CAPE OF GOOD HOPE—THE KAFFIR WAR.

LORD MONTEAGLE was desirous of taking the earliest opportunity of asking his noble Friend the Secretary of State for the Colonies a question, of which he had given him notice, and which related to a subject of considerable interest and importance at the present moment. Its importance arose not only from its connexion with interests of a commercial character, but from its political consequences, especially as it affected the consideration of our means of protecting our colonial dependencies. Advices had been received this morning from the Cape of Good Hope, giving an account of a series of transactions in that colony, which, if true, were of the greatest interest and importance. It appeared from these advices that a new Kaffir war had arisen in South Africa, which was said to have already produced both loss of life and of property. If his noble Friend could, without public inconvenience, communicate to their Lordships any despatch or information he might have received on the subject, it would be a relief to much private anxiety, and would also be of the first importance to the mercantile interests connected with that colony. Because, whatever might be the truth, it was better that it should be told—if disasters had really occurred, it was better that they should be unreservedly made known, than that vague reports should be allowed to go forth, producing their effect on the public mind without either confirmation or contradiction. It was, however, certain that the Governor, Sir Harry Smith, had issued a proclamation, dated "December 26th, 1850," at King William's Town, Cape of Good Hope, from which it appeared, that the gallant officer who combined the office of Civil Governor with that of Commander in Chief, felt under the necessity of declaring martial law, including within the terms of that proclamation the greater part of the area of that colony. The proclamation not only introduced martial law into the colony, but it also required the colonists between the ages of 15 and 50 to rise *en masse* to aid Her Majesty's troops in defending the frontiers of the colony against the Kaffir war, which was now actually in progress. A variety of letters had appeared in the papers in reference to this question, stating facts which were extremely alarming to all those who were connected either by commercial interest or by the ties of affection with the residents in that colony. Under these circumstances, he begged to ask his noble Friend whether he had received any official communication on this subject, and whether the Government was prepared to give any information to Parliament as to the present state of the colony? He also wished to ask his noble Friend what were the measures of defence taken, both in regard to the number of men, and to the amount of munitions of war, which the Government of the Cape of Good Hope at this moment possessed? He moved—

"That an Address be presented to Her Majesty for a Copy of the Proclamation of Sir Harry G. W. Smith, Governor of the Colony of the Cape of Good Hope, proclaiming martial law in the Eastern District of that Colony, on the 26th December, 1850."

EARL GREY said, that, unfortunately those advices to which his noble Friend had alluded had been received in this country, although the latest official report from the Cape of Good Hope received by the Colonial department, was dated the 3rd of January. By the kindness, however, of various gentlemen in this country who were connected with that colony, he had been favoured with private letters and newspapers up to the 4th of January, from which it appeared that there had taken place a most unexpected and a most unprovoked outbreak on the part of the Kaffirs. Every effort had been made by Sir Harry Smith to conciliate and benefit the natives of the province of British Kaffraria; and up to the very last moment, in spite of occasional indications to the contrary, he felt the utmost confidence in their friendly disposition. However, the state of things in that province at length became sufficiently alarming to induce him to proceed to that district himself. When he arrived at Fort Cox, he held a meeting with the Gaika chiefs and people, whose professions were considered fair enough. Unfortunately, one of the principal chiefs, Sandilla, was an outlaw, and was not present at this meeting, and it was considered necessary to arrest him. A considerable force was accordingly sent out from Fort Cox to effect his arrest; but that force failed in accomplishing its object. By the non-official information it appeared that Sir Harry Smith had been surrounded at Fort Cox by great bodies of Kaffirs, and that all communication with him was cut off. The Kaffirs acted with great determination, and an action of some importance took place between them and a force under the command of Colonel Somerset, which was proceeding from Fort Hare to open a communication with Fort Cox, in which he (Earl Grey) was sorry to say, that on the part of the British, there were two officers and twenty men killed, and one officer and twelve men wounded, and the attempt to open up the communication failed. But by later accounts received, he was happy to find that Sir Harry Smith had succeeded in making his way, at the head of a large escort, through numerous bodies of Kaffirs, from Fort Cox to King William's Town. All the important posts in British Kaffraria were occupied by regular troops, which had made them perfectly secure. Sir Harry Smith considered it of the last importance that those posts should be maintained, and therefore he had called upon the colonists to aid Her Majesty's troops in restoring order. This was the general state of affairs at the Cape, as well as he could at present understand it; but of course he should take the earliest opportunity of laying the papers on the table of the House. He had already given directions for the preparation of those papers which would enable their Lordships to know how the matter stood. With regard to the amount of force maintained for the defence of the colony, it was true that a reduction had taken place within the last two years, but not below the amount which Sir H. Smith considered necessary for the protection of the frontiers; and there was by no means a deficiency in the munitions of war; and it was Sir Harry Smith's opinion that our military position in the colony was now stronger than it had ever been before, owing to the number and strength of the outposts recently erected in various districts of Kaffraria. At the same time, measures were in progress to forward from this country a reinforcement both of men and guns, so that the means of defence should be equal to what they originally were in that colony before any reduction took place.

LORD STANLEY observed, that unless the measures taken by Her Majesty's Government in the first instance to put down the extensive outrage committed by the Kaffirs were of a most effective character, it would, no doubt, materially increase the difficulties which they would have subsequently to encounter, by giving encouragement to the various hostile tribes to engage in a fierce and protracted war against the Government of the colony. He must infer from what had fallen from the noble Earl, that the whole of the troops in the colony at the present time were not more than sufficient to garrison the fortified posts; and that they were not in a condition to maintain active operations for the suppression of this outbreak. But the noble Lord had stated that steps had now been taken for sending out reinforcements from this country to the colony. The noble Earl must be aware that a considerable time would necessarily elapse before any such reinforcement could reach the Cape; in the mean time, therefore, he (Lord Stanley) should be glad to know what reduction had taken place in the amount of the troops at the Cape within the last two or three years; and also whether the noble Earl could not from any other and a nearer quarter than this country send troops to strengthen the hands of the Governor of the Cape of Good Hope?

EARL GREY replied, that it was not in his power to state, from memory, what the precise reduction in the force of the colony had been; but, as well as he remembered, the reduction which took place was merely that of bringing back the force to what it was previously to the last insurrection. He was sorry to say it was impossible under the circumstances that he could have any information to communicate to the House. Sir H. Smith being in Kaffraria, he had received no letters; and the only means he had of knowing the latest proceedings was from the Proclamation and General Order published in the *Graham's Town* newspaper subsequently to the date of the last official accounts received from the Cape. This outbreak by the Kaffirs seemed to have been so unexpected, that many persons even well acquainted with the habits of the Kaffirs, were taken by surprise, and had unfortunately fallen a sacrifice to the barbarous proceedings of those savages. It appeared that a great number of those Kaffirs went to some of the "military villages," where the peaceful inhabitants were seated at their Christmas dinners. They were most hospitably received and entertained; but suddenly, on a signal being given, they rushed upon their hosts, and murdered them in the most barbarous manner. This would show their Lordships the unexpected nature of this outbreak. It appeared, from the public notices given to the colonists, that it was thought of importance that the regular troops should be retained in Kaffraria itself, rather than attempt to follow the barbarians beyond the outposts. Though small bodies of Kaffirs might have entered the colony, he believed no considerable number had done so; and he might state that large tribes of Kaffirs had remained faithful, and that strong expectations were entertained of powerful assistance from the natives in the neighbourhood of Port Natal.

LORD MONTEAGLE said, the explanation his noble Friend had given was so far satisfactory, that it would relieve the public mind from one great source of anxiety, namely, the fate of Sir Harry Smith, who was reported to have fallen a victim to the attack. He was glad to find that his noble Friend was able to contradict that most alarming report. He was not prepared to adopt the standard suggested by his noble Friend, or to admit the propriety of reducing the military force within the colony to the same amount at which it had stood before the previous outbreak. It should be remembered that the territory over which that force would now have to operate had of late been greatly extended. Another question deserved attention. He believed that, by the law of the Cape, it was illegal to supply the barbarians with munitions of war. If that law were rigidly enforced, and if the British merchants at the Cape did not themselves lay the groundwork of future aggressions by supplying the Kaffirs with arms, the attacks of the barbarians would be much less formidable. He would withdraw his Motion for a copy of the Proclamation, as that document must, of course, be included in the papers which the noble Earl had promised to lay on the table.

Motion withdrawn.

THE INCOME TAX.

LORD BROUGHAM said he meant to ask their Lordships' leave to lay again upon the table a copy of a series of Resolutions on the subject of the Income Tax, which he had submitted to their Lordships' consideration in the year 1842, when they had led to a long debate. It was not his intention to provoke any discussion on the subject of these resolutions on the present occasion, but he felt that it was due to himself to lay them again on the table, in order that it might be seen that the objections which he had entertained against the income tax in the year 1816, and which he had explained with such minuteness nine years ago, were still as strong and as numerous as ever. Their Lordships were aware that, keeping in view the privileges of the other House of Parliament, they had no opportunity of declaring their precise sentiments on questions of taxation except in the way he now proposed, for they must either receive all the propositions of the other House, or reject them all, having no power of making alterations.

"1. That a direct Tax upon Income ought never to be resorted to unless in some great Emergency of public Affairs, when an extraordinary Expenditure may become unavoidable for a Time, or in some Pressure upon the Finances of the Country, which can be sustained by no other Means:

"2. That it behoves the Parliament, as faithful Guardians of the People's Rights and Interests, to take Care that, during the temporary Existence of this Tax, its Pressure shall be distributed in such a Manner as shall make it be most easily and most patiently borne:

"3. That, with this View, it is expedient to make a Distinction between Income arising from

Capital of every Description and Income arising from Labour merely; levying a smaller Proportion of the latter Income than the former:

"4. That, with the same View, it is expedient to make a Distinction between Income possessed by Persons who have only an Interest in the same for their Lives, or for some lesser Term, and Income possessed by Persons who have an Interest in the Capital from whence the Income arises; levying a larger Proportion of the latter Income than of the former:

"5. That it is neither consistent with Justice nor with sound Policy to levy a greater Proportion of Tax upon large Incomes than upon smaller, and that an Exemption of even the smallest Incomes from the Operation of the Tax can only be justified upon the Supposition that their Owners are wholly unable to pay it:

"6. That no Modification can remove its inquisitorial Operation, which is equally vexatious whatever be the Sums levied, and falls exclusively upon some Classes of the Community, while other Classes escape from it only by being compelled to pay in a larger and unequal Proportion:

"7. That no Modification can remove the Injustice and Inconsistency of making Money previously invested in Improvements or in Trade, and which yielded for some Years no Income, pay as soon as it yielded the expected Profit; this Imposition being, in fact, a Tax not upon Income but upon Capital:

"8. That, besides all its other Defects, an Income Tax is objectionable as offering by the Facility of raising its Amount according to the supposed Exigence of the Public Service, a constant Temptation to Extravagance on the Part of the Government; removing the most effectual Check upon improvident Expenditure, and dispensing with the Necessity of seeking a Revenue in Retrenchment:

"9. That this Tax being of all other the worst, with the Exception only of Taxes upon Food, upon Law Proceedings, and upon Knowledge, it ought on no account to form part of the ordinary Revenue of the State, but to cease with the Necessity which alone could justify its Imposition:

"10. That while it is the Duty of the People to bear those Burdens which are necessary for supporting the Credit of the Country and maintaining the Security of its widely extended Dominions, it is equally the Duty of Parliament to afford them every procurable Relief, by enforcing strict Economy in all the Departments of the Public Service, by discouraging all Proceedings which may endanger the Continuance of Peace, and by adopting whatever Measures may best conduce to the Improvement of our national Resources."

House adjourned till To-morrow.

HOUSE OF LORDS,

Friday, March 7, 1851.

MINUTES.] PUBLIC BILL. — 1ª County Courts Further Extension.

COUNTY COURTS FURTHER EXTENSION BILL.

LORD BROUGHAM begged to call their Lordships' attention to the various legislative efforts which had been made between the years 1825 and 1850 to establish tribunals of local jurisdiction, and to promote salutary reforms in the jurisprudence and the general system of judicature throughout the country. This retrospect was both necessary in order rightly to understand the new measure, and it was very useful as giving encouragement to efforts for amending the law. The Bill of 1825, for the more easy Recovery of Small Debts, was originally introduced into the House of Commons by Lord Althorp, who, finding it impossible to carry it through the Legislature without the aid of official authority, surrendered it into the hands of the late Sir Robert Peel, who, adopting it with some additions, introduced it to Parliament soon after. The Bill went only a little way, and was confined to debts under 10*l*., which were made recoverable in the Sheriff's Court, to which an assessor was appointed by Lord Althorp's Bill, but not by Sir Robert Peel's. So matters stood till the year 1828, when he (Lord Brougham) brought under the consideration of the House of Commons the whole state of the law, with the exception of the criminal law, and the laws referring to bankruptcy, and to real property. The result of the Motion and the Address carried, was the appointment of two Commissions by Lord Lyndhurst, during the Government of the Duke of Wellington: to these Commissions the whole subject was referred in all its bearings; one of them being charged to inquire into the law of real property, the other into the state of the common law. The appointment of these Commissions was the first important step towards the introduction of all the subsequent improvements in the same direction; and the alacrity with which eminent persons connected with the legal profession addressed themselves to the task of devising and perfecting the statutory provisions which originated with these Commissions, proved how fallacious were the statements of those who asserted that it was vain to expect any improvement in the mode of administering the law, to proceed from lawyers. Owing to the reports which had been made by the Commissions, most important changes in the law had been effected—many great alterations in real property law, and many improvements in common law, though perhaps not so extensive in the latter as in the former. The important measures which had been introduced of late years, with a view to the improvement of the law, and the simplification of the mode of adjudication, were the direct and inevitable consequences of the reports which had been presented to Parliament by the learned Commissioners; and it was gratifying to think that the great agents of all these improvements were men connected with the legal profession. In looking back to his statement of 1828, he could hardly find one of the many grounds of complaint against the system, which was not now removed—hardly one of the remedies propounded, which was not applied. So vast were the alterations which, during the last twenty-two or twenty-three years, had been introduced into our jurisprudence and our general system of judicature, that it would be no exaggeration to assert, that if any of the great lawyers of former years were to revisit the scenes of their former labours, and to enter the Courts of Chancery or Westminster Hall, they would hardly believe that they had returned to the country which, at their decease, they had left. All these changes had been effected chiefly through the instrumentality of lawyers and of Judges. Having, then, laid before the House of Commons in February, 1828, an exposition of the state of the law, he had thought it his duty to follow up the statement by an effort to render the administration of justice in the courts of Common Law more easy, expeditious, and cheap to the suitor; and, with that view, he had brought before the House the first of those Bills, to which he was now about to call the attention of their Lordships—a Bill for the establishment of courts of local judicature upon an extensive scale. This Bill was introduced into the Commons in April 1830, and read a first and second time; and in December 1830, he introduced it into this House; but, in compliance with the request of the Common Law Commissioners, to whom it was, at the suggestion of his noble and learned Friend (Lord Lyndhurst) referred, many modifications were adopted. The Bill, as originally drawn, proposed to give the local court jurisdiction in all cases of debt up to 100*l.*, and in cases of tort, where the damages claimed did not exceed 50*l.*; but, at the suggestion of the Common Law Commissioners, he had reduced the amount in cases of debt from 100*l.* to 20*l.*, retaining, however, the sum of 50*l.* as the limit in actions for wrongs. The Bill was brought in that shape before their Lordships' House, and was rejected in the last stage by a very narrow majority, there being 81 for and 81 against it of Peers present, and the balance was cast of 10 or 11 by proxies. In the course of the same Session, and after the Local Courts Bill had been lost, an important provision was introduced into the Bill for amending the practice at common law, facilities being given for assessing damages by writs of inquiry before the sheriff. This effected something by way of substitute for the Local Courts Bill. In 1846, Lord Lyndhurst proposed a Bill, which was substantially the same as that afterwards passed into a law, and which was now called the County Courts Act. One change, however, introduced into it, and a change in the measure of 1833 was, he thought, much to be lamented; and that was, the exclusion of actions of tort, to a great extent, from the jurisdiction of the local courts. Another change in the measure of 1833 he also lamented, the omission of the clauses giving the powers exercised by a Master in Chancery to the Judge of the local court. A small portion of these powers only was given. He lamented that a great deal more of those powers had not been given to him; and he believed his noble and learned Friend (Lord Langdale) joined with him in the regret which he felt on that subject. Then came Mr. Fitzroy's Bill of last Session, which extended the jurisdiction of these courts in cases of debt from 20*l.* to 50*l.*, making no alteration in cases of tort. That the greatest possible good had arisen from the Act of 1846 and the Act of last year, no man who understood anything of the subject could entertain a shadow of doubt. He needed only state to their Lordships, to prove this, the vast amount of causes which had been tried in these County Courts. There were sixty of them in all; so that in every man's neighbourhood there was a tribunal where his disputes with his neighbour could be speedily, safely, and cheaply adjudicated. The County Courts had undoubtedly had the effect of rendering the recovery of small debts speedy, safe, and cheap. The returns had only been made up to the month of December 1849, for a period of two years and nine months; and, during that period, no less than 1,200,000 causes had been disposed of by the sixty courts dispersed throughout the country, being at the rate of 423,000 per annum. So that, if the return for the remaining period was only of equal amount—that was to say, at the rate of 423,000 per annum—the calculation would give 1,680,000 causes for the four years during which the County Court system had been in operation. The amount of property that had been adjudicated upon, taking the cases at an average of between 4*l.* and 5*l.* each, which some persons considered too low a standard, amounted to nearly 2,000,000*l.* per annum; which, for the four years during which the Act had been in operation, would give somewhere about 7,500,000*l.*, as the sum probably decided upon in these courts. When he came to inquire how far the courts had given satisfaction in the country, he must refer to the Act of last year; for, under the Act of 1846, there was no appeal from the County Courts. There had been only one ground of dissatisfaction, and that had reference to the limitation of the jurisdiction; but this cause of complaint was in part removed by the Act of last Session, which extended the jurisdiction from 20*l.* to 50*l.*, and gave an appeal in all cases above 20*l.* Of the cases tried in which the right of appeal existed, there were no less than 4,000, and yet there were not more than some two or three appeals out of the whole of those 4,000 cases: as the Act so amended had only been in operation five months, the causes heard were at the rate of 10,000 a year. Nor were these causes merely taken from the cognisance of the superior courts; the greater number of them were such as never would have been tried but for the new courts, and thus an enormous denial of justice had been prevented. The benefit of these courts was not to be measured by the amount of the property adjudicated upon; for, besides the 420,000 cases a year disposed of, how many thousands more had been prevented from coming into court? When a man knew that his adversary could, without much delay, or going a considerable distance from home, or incurring heavy expense, compel the payment of the debt, unless his defence was a very good one, he would rather settle the matter than come into court. He believed that a very large number of cases were now settled in this way; and, therefore, instead of this enormous number of 420,000 cases per annum being increased, it would, in all probability, be hereafter diminished; but diminished by justice being effectually done without any expense or delay. Another reason why the value of these courts was not to be measured by the mere amount of property adjudicated upon, was, that it removed the grievances of men who, knowing that they had a just right to a sum of money, but that, in consequence of the trouble, cost, delay, and uncertainty which formerly used to attend legal proceedings, felt that it would be highly imprudent to go to law for the chance of recovering it. He should be asked, perhaps, whether he was disposed to recommend to their Lordships an extension of the jurisdiction of these courts, in accordance with the plan which he had originally proposed. For the present, however, he had no such intention. As far as regarded contentious jurisdiction, and as far as regarded proceedings in court, at the option of the plaintiff, in spite of, and to oust the jurisdiction of the superior courts, he was not now disposed to recommend any extension of jurisdiction to the local judicatures. But he wished to ascertain by a fair trial how far, by increasing voluntary jurisdiction, and by coupling with it the power of the superior courts to avail themselves of the assistance of the local courts, to try how far, without infringing any existing rights, and without running counter even to any prejudice, they might venture to push this beneficial system. The Bill he had already introduced this Session, and the one he now proposed to introduce, with the view of enacting the omitted provisions of the Bills of 1830 and 1833, related chiefly to four points—the bankrupt law, equitable jurisdiction, arbitration clauses, and courts of reconcilement. He did not propose to alter the bankrupt laws, but merely to absorb the one jurisdiction in the other, and gradually to bring cases of bankruptcy within the jurisdiction of the County Courts, but not in London. This was the provision of the Bill of 1833, which would thus be restored. The Bill would not in any degree affect the power of the London Commissioners. He considered the London Commissioners, with their machinery for administration and testing accounts, with their official assignees, with the invaluable power of calling the parties before them, and equally important power of calling the debtors of those parties before them, with their great experience for 20 years in the administration of the bankrupt laws—with all these advantages he considered those learned persons would form an important aid to the Court of Chancery. He believed that to these learned persons might be transferred a large portion of that intolerable load of business which now clogged the Court of Chancery, the transfer being subject, of course, to the order of the Court, and to appeal from the Commissioners back to the Court. A learned Friend, of the greatest ability, and the largest experience in those Courts, had calculated that 400 out of the 1,000 matters now before the Court of Chancery might be disposed of by some such arrangement. He left this entirely to be dealt with by his noble and learned Friend the Lord Chancellor, but he proposed by the present Bill, that all matters of which the Master in Chancery could now inquire, should be capable of being sent to the County Court, by the order of the Court of Chancery in each case, and subject to the whole proceedings being revised on the return to the order, that is, the report on the County Court. This would be a great advantage both to the suitor and to the Court. To the Court, because it would remove much of that business which now clogged up the channel in the Master's office, which the Winding-up Act, and the New Orders of his noble and learned Friend Lord Cottenham had greatly augmented. To the suitor, the advantage would be still greater, as, instead of bringing up his documents and his evidence from Cornwall or Northumberland to Chancery-lane, to attend the superior courts there, he (Lord Brougham) proposed that he should only be compelled to go to the nearest town which was the seat of a County Court, and have the account taken, the documents seen, and the witnesses examined *vivâ voce*. The advantages on both points were so obvious that he might leave them, and would proceed at once to the next head, which was one of great importance. He proposed further that the Judges in the Superior Courts should have the power of sending cases for Arbitration to the Judges of the County Courts; but on the application of the parties themselves, so that there should be no peremptory, but only a voluntary, jurisdiction in this respect. He proposed that such references should be also made at the option of parties, without their cause even coming into court at all, that whatever the amount of the claim might be, whatever the nature of the defence, whatever the subject of dispute, whether in law or equity, the suitors should be able to submit it to the Judge of the County Court as arbitrator in the matter of dispute, subject of course, as at present in cases of arbitration, to points of law or points as to the admission or rejection of evidence being stated on the award, at the desire of either party, or of the Judge himself, which points are to be decided by one of the superior courts of law or equity, as the case may be, to be agreed upon by the parties. His noble and learned Friend the Master of the Rolls was aware, and the Judges of experience in the Courts at Nisi Prius, his noble Friend on the Woolsack, and his noble Friend the Vice-Chancellor (Lord Cranworth), a most able and learned Common Law Judge, were much more aware, that causes frequently came into court, which, from their nature, could not be tried, and which must of necessity be referred. The course was this—an action was brought, all the preliminaries were gone through, and the necessary expenses incurred, attorneys were employed, counsel retained, witnesses summoned and brought to the assize town, the cause was set down for trial, it appeared on the Judge's paper, counsel came into court with their briefs, followed by the attorneys, and possibly by the unhappy persons themselves, whose pockets had suffered, and must soon suffer much more; and then it appeared (what was probably well known the night before at the consultation, and perhaps earlier) that it was not a cause which could be tried, that its trial was a matter quite out of the question, from the time it would take, and the impossibility of a jury trying an action of account; and the learned Judge, in mercy not only to the jury, but to the parties themselves, said that it must be referred, and it never ought to have been brought there as a cause. Then much of the expense must be repeated, before an arbitrator, who had to sit for days or weeks; and all, or nearly all, the expense already incurred had been thrown away for nothing. Attorneys were sometimes too zealous, sometimes not well informed, and sometimes without prudence—and this might account for such cases, which were quite common, and formed an established grievance in our courts; but the whole expenses, just as if it were tried, were incurred, and the reference, probably, would cost as much or more than the sum already wasted. He (Lord Brougham) proposed to remedy this by giving as he had intimated, the power of arbitration to the County Court Judges; and when it came to be known that there was a respectable arbitrator of high character, whose judicial conduct may have won him the esteem of all about him, he believed parties would be at once disposed to submit such cases to so unimpeachable a referee; and not go into court at all.

There might be some spurred on by bad feelings, some instigated by evil and interested advice, who would not avail themselves of this provision; but the Bill would give a power to the Judge at once to recommend such cases to be sent to the County Court Judge—a far better tribunal than an arbitrator; and, besides, with the knowledge before them, that such a tribunal was open to them, litigious persons would pause before they involved themselves in expenses which must of necessity prove of no avail. He wished to speak with the greatest possible respect of the profession to which he belonged, and from which so many of the brighest ornaments of that House had sprung; but he believed the consideration, that the County Court Judge was not remunerated in proportion to the number of days the arbitration occupied, but that he was paid by a salary — paid by the year—and that whether he sat a long or a short time, whether two days or two weeks, that would not add to or take from his emolument — would give greater confidence to suitors, and render his arbitration more popular and satisfactory. He (Lord Brougham) was far from saying that such base considerations would induce barristers acting as arbitrators to unduly protract the period of arbitration; but it was not unimportant that they should be protected even from the suspicion of such an imputation. These arbitration clauses were in the Bill of 1830, but were left out in that of 1833. He came now to another part of the proposed measure, upon which he set still greater store, and which was in the Bill of 1833 —one which would conduce greatly to the peace of the community, the comfort of suitors, and the disposal of an immense amount of business of other descriptions than those he had just referred to, which never ought to come into court; and it would, by affording the means of avoiding forced arbitrations, after causes came into court ready for that, also have a most salutary effect in completing the relief from that grievance so much complained of. It was proposed in the Bill that any person who was sued, or any person who sued another on any matter whatever, whether within the jurisdiction of the County Court or not, might cite his adversary before the Judge, sitting in private, where both the claim and the defence should be stated. He wished to speak of the attorneys as he had done of the other branch of the profession. In all large bodies there were men of various characters, a better and a worse class. Amongst the attorneys and solicitors of England, there were men of the highest honour, the most consummate skill, and the most undoubted prudence; but it was also true that there were others who did not possess those qualities; and while there could not be a greater blessing to a community than an attorney of the high character he had described, there was not a greater curse to any neighbourhood than one of the inferior character and worse description. His plan was, that neither the respectable attorney nor the respectable counsel, nor the attorney and counsel of a contrary character, should be admitted to these courts of reconcilement; that none of them at all should attend before the Judges, but that the parties should go themselves, without any legal advisers whatever, and state their claim or demand on the one hand, and the ground of its refusal on the other; and that then, or at another time, after consideration, the Judge should give his advice to the parties according to his opinion upon the merits of each party's case. Thus, when the parties came before the Judge, he would say to the one (if so he thought)—" You have no case at all; you will only, by going on, run a risk of great detriment to your own interest;" or he would say to the other, " You have no defence; you had better give in at once; you haven't a leg to stand upon." Either party, then, acting upon his advice, great expense would be saved, and the valuable time of the courts would be husbanded. This was no visionary scheme — it had already been tried in several of the Continental States, and he would state to their Lordships the result. It had been tried in two different ways. In France it had been tried only as a compulsory proceeding. No person there could proceed in a lawsuit without citing his adversary before the local courts, and obtaining a certificate of appearance. He was bound to confess that it had not, in his opinion, succeeded so well as might be wished in France, and that solely, he believed, because it was compulsory, and had, therefore, degenerated more or less into a preliminary form. He had a little of experience his own on the point, for he had been summoned as a party in a case, and there was not much in the proceeding beyond a preliminary form; but the Judges in these cases there ranked more with the class of inferior magistrates in this country, and had not the same weight as the

Judge of a County Court here would naturally have. He had seen it stated in the works of some of the able and learned New York jurists that the plan in France had succeeded, and that it had had the effect of settling a great number of cases; but this, he thought, was in some degree a mistake, arising from their having taken the number of causes begun, and the number brought into court for trial, and attributing all the difference between the two, which was very considerable, to this process of reconcilement, whereas probably little was attributable to that proceeding. But with respect to other countries, its success had been most signal. The example of Switzerland was important, because in some of the cantons it was compulsory, and in others optional. Where it was compulsory it failed to diminish litigation, as in France, at least in parts of France; but in Geneva, where it was optional, no fewer than from a fourth to a third of the cases were settled by this course. In Denmark the law was introduced in the year 1795; and in the year 1797, when it was in full operation, the causes were reduced two-thirds. In Hamburgh they fell in that proportion at once on the first introduction of the law. From Denmark he had a return of the number of causes in the three years ending with 1823. There were 31,000 causes brought before the Judges of reconcilement, and no less than 21,000 of them were settled at once by the parties adopting on the spot the advice and following the opinion of the Judges. Of the remaining 10,000, 600 were settled before further steps were taken; and of the remainder not more than 3,000 were tried at all. Of the cases not settled at once before the Judge without any expense, two-thirds were settled with a very small expense, and one-third only were tried; so that nine-tenths of the causes brought before the Judges of reconcilement were settled at once, on their advice, or the proceedings were ultimately dropped in consequence of that advice. He thought this plan would operate most beneficially in this country, and that very rarely indeed would designing attorneys induce suitors to proceed in the face of an unfavourable opinion of the Judges of the County Courts, and that proceedings would be stayed before any expense had been incurred, on advice given in this way by Judges, deliberately, dispassionately, and, above all, disinterestedly. It would also operate favourably in arbitration cases, and prevent that from happening to which he had already alluded as now occurring so often—namely, parties being forced to a reference by the Court in causes which ought never to have been brought there at all. This reconcilement process, coupled with the facility of arbitration, would, he ventured to say, extinguish that incident to our Courts which often greatly annoyed the Judges and the profession, and brought no little discredit upon the judicial system of the country. In Scotland, the benefits of local judicature had long been enjoyed by the people. All actions of nearly every description, be the amount great or small, or whatever the subject in dispute, were, generally speaking, commenced before the Sheriff Depute; and for the three years for which we had the other returns he had read to the House, ending in 1823, he understood there were 22,000 cases in the Sheriffs' Court. Of these, 10,000 were defended, the rest undefended; and, that their Lordships might not mistake these for trivial or unimportant cases, he could state, that 300,000*l.* worth of property was disposed of in one year in the Sheriffs' Court for the county of Lanark. What, then, was the amount of appeals from the decisions disposing of that sum? What was the measure of dissatisfaction with the judgments of that Court? It was just one 53rd of the whole number of causes; for the local adjudications upon property suffered to stand, included no less than 294,000*l.* of the gross sum, leaving no more than 6,000*l.* for the amount of the appeals. The expense of their process in Scotland was very small. He regretted to be obliged to say, that by the County Courts Act of 1846, they had saddled the English suitors in those courts with a very considerable, a very needless, and, he must say, a very unjustifiable amount of expenses, not so much by imposing upon them the ordinary fees of the court, but by exacting the expense even of building the courts—an expense which no suitor ever ought to have borne by so much as one fraction of a farthing. In his opinion, and that of all who maturely considered the subject, no more intolerable grievance existed, than making the suitor in any court liable for the expenses connected with establishing and maintaining a court of justice, which it was every subject's right to have as due to him from the public. It was most unnecessary to dwell upon such a topic as that, after it had been exhausted in one of the ablest works produced by Mr. Bentham, his *Protest against Law Taxes*—an argument amounting more nearly to mathematical demonstration than any thing of which he was aware out of the exact sciences. But he could not conclude without further observing that the Legislature had exercised a very little and a very unwise economy, when they cut down the salary intended for the County Court Judges by the sum of 200*l*. A more wretched policy than this mean saving on so important a service could hardly be imagined. He had detained the House at some length; but he could hardly bring himself to apologise for it. The improvement of our judicial system, so as to make our courts easily accessible to all, was the very highest of the lawgiver's duties. He would once more declare the maxim on which, whether in office or in a private station, he had ever acted—the maxim for both Government and Parliament to follow —Execute the laws firmly, to make them respected; amend them wisely, to make them be loved.

Lord LANGDALE: My Lords, in the few observations which I desire to address to you, I intend to avoid the consideration of the details of the measures proposed by my noble and learned Friend. It is with the greatest satisfaction that I have heard of the benefit which has been derived from the establishment of the local courts; and, persuaded as I am that their jurisdiction may be greatly and advantageously extended, I am anxious to express, shortly, my opinion on the subject.

In the first place, I am of opinion that so much of the jurisdiction in Bankruptcy and Insolvency as is in part judicial and in part administrative may be most usefully exercised in the local courts; and I hope that my noble and learned Friend's Bill in relation to that subject will be fully and favourably considered.

In the next place, I beg leave to say that it has for very many years appeared to me that the jurisdiction, partly judicial and partly administrative, of the Court of Chancery, might also, with great advantage, be exercised by the local courts, under the direction and control of the Court of Chancery. I cannot expect that my noble and learned Friend should bear in mind the suggestions which were made to him more than twenty years ago on this subject. The Bill of 1832, I believe, contained the first distinct proposition for the establishment of what might, perhaps, without impropriety, be called local masters.

The Court of Chancery, in the exercise of its large jurisdiction, has occasion for the performance of two nearly distinct classes of duties, both of which might be most usefully performed by the local courts. One class is almost (though not entirely) of a ministerial nature, and is usually performed by means of commissions in one shape or other. The other class consists of duties which are much more of a judicial nature, and is applicable to matters of administration and account. Jurisdiction in matters of this kind might be, and in my opinion ought to be, at first directed, and on all subsequent occasions superintended, and if necessary controlled and corrected, by the court itself. The relief to the suitors would be very great indeed —accounts might be taken in the country —witnesses, books, vouchers, papers, and documents, in most cases, need not be brought to town—time would be saved to a large extent—and the parties themselves might attend to their own business. I confess, my Lords, that having often considered the means of relieving the suitors of the Court of Chancery from expenses and delays in the Master's office, the plan of attributing a considerable portion of the business to the Judges of the local courts has appeared to me more likely to be effectual than any other which has occurred to me.

My Lords, I believe that this great and important improvement might have been effected by the addition of scarcely more than three or four words to the Local Court Act of 1846; but the words "Masters in Ordinary" were omitted from the 22nd Clause in the Bill, and the remainder of the clause, though containing powers calculated to be very useful, has unfortunately been disregarded or lost sight of. I wish to give every support in my power to this part of my noble and learned Friend's measure.

With respect to arbitration, I will only observe, that there may be many cases in which the parties reasonably desire to constitute a Judge of their own, in one sense arbitrary, and with absolutely final authority; and that in cases in which it is thought desirable by both parties to establish such a Judge, some great advantage may probably be obtained by having the arbitrator a known Judge, appointed by authority, free from all bias, all interest in fees, and all interest in delay. I shall be glad to consider the provisions of the Bill which my noble and learned Friend has laid on the table. I own that the subject I have most doubt upon is that which relates to the proposed courts of reconcilement. It may be, that my noble and learned Friend has correctly accounted for the apparent want of success which has attended such measures. He seems to have lately received some important information; but, undoubtedly, a notion has prevailed, that courts of reconcilement have succeeded in other countries only to a very small extent. The subject is, of course, to be further considered.

But, my Lords, I am, on this occasion, principally desirous to address to your Lordships a few observations, which, although they may not be of any practical importance at the present moment, will become of great importance if the jurisdiction of the local courts should be considerably extended. I consider that the local courts, if sufficient in number, well conducted and properly assisted, will prove to be most powerful instruments for the improved administration of the law; but that they cannot work well unless certain provisions, so important that they may, perhaps, be properly called conditions, be made.

Amongst the things which appear to me to be necessary for the due administration of justice by a system of local judicature, are, 1. Ample judicial power; 2. the greatest practicable reduction of the expense of justice; and, 3. the greatest practicable simplification of the law.

Unless there be ample judicial power in the local courts for the transaction of the increased business which will be thrown upon them, arrears will accumulate; or, what is still worse than arrears, there will be hasty and unsatisfactory decisions—erroneous orders—orders right, perhaps, in themselves, but appearing to be erroneous, because so hastily pronounced. You must have no scanty provision of Judges.

Next, as to the reduction of expense. My noble and learned Friend has bestowed a well-merited panegyric on the admirable little work of Mr. Bentham on law taxes. I should be glad to believe that the time was come for the practical application of the maxims of that learned and ingenious man. It seems admitted that all practicable means ought to be taken to prevent justice from being unnecessarily expensive in these as well as in all other courts; and it is very necessary to observe, that there are two classes of expenses which are to be carefully distinguished when we speak of the expense of justice. One class of expense arises from the maintenance of judicial establishments and courts of justice—from the salaries of the Judges and officers—and the providing of buildings necessary for the accommodation of the courts, and connected with the business thereof. My Lords, I hope to have, at some future time, an opportunity of showing that no part of such expenses as these ought to be charged upon any suitors, and that justice (so far as relates to this class of expense) ought to be provided by the public absolutely without charge to the suitor, just as much as any other part of the Executive Government, and just as much as the Army or Navy, or the police. The whole of this part of the expense of justice ought, as I conceive, to be defrayed by the State; and the suitor, whether in the local courts, or any other court, ought to be wholly relieved from it. The other class of expense arises from the obtaining advice and employing agents; and this is the subject of different considerations. From this expense a man can be wholly relieved only in cases where he has the time, the knowledge, and the ability to transact his own law business. There must always be many cases where this cannot be; and if a man must employ another to act for him, he ought to be able to find an upright, industrious, and skilful man. If such a man cannot be found, and that easily, you have but small chance of securing the due administration of justice; and in order that there may be such men, they must be educated in habits of respectability, and well instructed, and be able to obtain adequate remuneration by the practice of their profession. I am the rather induced to make this observation, as I think I have noticed a tendency to reduce those expenses of advice and agency which cannot easily be reduced beyond certain limits, rather than those expenses of court fees or law taxes, which ought, as I think, to be wholly abolished. Court fees are, in fact, by the Local Court Acts now in force, levied to a considerable amount, whilst by the sixth clause of the last of those Acts, professional fees are fixed at so low a scale that I do not think a sufficient remuneration can be obtained. I think that this system is very likely to be injurious to the honest and poor suitors who may not themselves be able to pay for good advice. If their attorney by exertion, skill, and industry succeeds for his clients, the adverse party who is in default, and who fails after causing the whole litigation, is not liable to pay more than the small sum provided by the Act—perhaps not more than thirty shillings—though he may have wantonly occasioned far greater costs and expenses: and the difference has to be deducted from, and perhaps exhausts, the sum awarded as justly due to the poor plaintiff.

As to the simplification of the law, I request your Lordships to observe, that the more the jurisdiction of the local courts is extended, the greater is the obligation upon the Legislature to use all practicable means to simplify the law. There are too many cases in which you cannot, by any means, prevent very complicated states of fact, and very nice, difficult, and doubtful questions of law. No rational person, I suppose, imagines that the law is in as clear and simple a state as it might be made by skill and industry. What I wish to suggest is, that all which can be done ought to be done for the simplification of the law, and the promotion of its expression in writing—in other words, to encourage and facilitate codification. It is, perhaps, not too much to say that the success of any greatly increased extension of the local courts will mainly depend upon the progress which may be made in the simplification of the law, and its clear and unambiguous expression in writing. When all has been done that can be done, a vast amount of complication and difficulty will remain to exercise the learning and talent of the ablest professional men.

I wish to make one other remark only, and will trouble your Lordships no further on this occasion. I take the liberty of stating that, in my humble judgment, all that is desirable to be done with reference to the improvement, not only of the local courts, but of all the other courts, and of the law itself, cannot be done without the appointment, under some appropriate name, of a Minister of Justice, whose duty, whilst in office, would be to attend principally, if not exclusively, to this most important of all subjects.

Lord BEAUMONT thought, as the noble and learned Lord had proposed to extend the County Courts, he ought to have done away with the clause limiting the suits tried in these courts to 50*l.* He argued for that extension of the amount not merely on the ground that the Judge capable of disposing of a cause of 50*l.* must be as capable as to one of 100*l.*, but also on the ground that the limitation had the effect of compelling the creditor to reduce his claim of 60*l.* perhaps, or 65*l.* to 50*l.*, so as to bring it within the County Courts Act, and thereby of putting money into the pocket of the debtor, who was thus bribed to delay. He had great reason to fear that it was too often the case now, from what they had in evidence before the last year's Committee, namely, that a vast number of claims were reduced from 40*l.* to 20*l.* previous to the jurisdiction being extended to 50*l.* He regretted the noble and learned Lord had not thought it worth his while to have a return of the number of suits last year taken into the superior courts between 20*l.* and 50*l.*, for that would have shown the effect of the alteration introduced against his (Lord Beaumont's) will last year into the Bill, by which parties were allowed costs in the superior courts, although the action was one which ought to have been brought in the County Court. If that number were small, then his (Lord Beaumont's) argument failed; but if it were very large, then he attributed it to the clause in the Bill giving the parties the option to sue in the superior courts at Westminster, and recovers costs without the Judge's certificate. As to the reduction of fees, and the remarks of the noble and learned Lord (Lord Langdale) on that subject, he too thought that justice was a thing which ought to be made very cheap; but then there were very litigious people, and these, if they found they could carry their cause into court, and come out again scot-free, might acquire a troublesome habit of returning frequently. Besides, if the fees were to be reduced to the extent to which the noble Lord had hinted at, what, he wished to know, would then become of their courts of reconcilement, for they would have no peculiar inducement to draw suitors from the regular courts?

Lord CRANWORTH said, that as they were not yet perfectly acquainted with the details of the proposals of his noble and learned Friend, he would not trouble their Lordships with many observations upon the subject. His noble Friend who had last addressed the House, was mistaken if he supposed that a party resisting a fair demand might not be taxed, even though all fees of court were removed, because he could still be made to pay the costs which he had improperly compelled his adversary to incur. But that which his noble and learned Friend (Lord Langdale) complained of was, that in addition to the costs of suits, there were positive taxes levied on every person who sought to obtain justice in any of the courts of the country; although that practice did not certainly prevail at present to the same extent as before the publication of Mr. Bentham's work upon the subject. A few minutes before he (Lord Cranworth) had entered the House, he had seen a document, from which it appeared that there were more than 150,000*l.* a year raised from the suitors in the Court of Chancery in the shape of court fees; and it appeared, from papers lately presented to the other House, that there were about 15,000 accounts in that court, so that apportioning the fees on the several accounts (not perhaps a very correct mode of estimating the burden) the average charge will have been 10*l.* on each account. He believed that his noble and learned Friend must be prepared for an extension of the number of County Court Judges, as a part of his scheme, and a considerable additional expense would be incurred for carrying out that object; but he hoped that that expense would not be provided for out of the pockets of the suitors. There was one part of his noble and learned Friend's measure on which he should make a passing observation, and that was the establishment of courts of reconcilement. Now, he was very far from saying that that was a subject on which he had made up his mind; but he should confess that he very much doubted whether such a plan would be found to answer in this country. The fact was, that the practice was not new to us; it was a part of "the wisdom of our ancestors." No one knew better than his noble and learned Friend that in the olden times there had been at almost every stage in legal proceedings what was called an *imparlance*—that was to say, the parties were brought together for the purpose of ascertaining whether they might not amicably arrange their differences; but experience showed that that arrangement was only calculated to lead to vexatious and unnecessary delay, and the practice had therefore been completely discontinued. It was true, however, that that system was not quite the same as the establishment of a court of reconcilement as proposed by his noble and learned Friend; for his noble and learned Friend would not make a resort to the court of reconcilement imperative on the parties. He very much feared, however, that under the arrangement proposed by his noble and learned Friend the Judges of the County Court would be a sort of consulting barristers, and their time would be perpetually occupied in hearing the statements of parties appealing to them for advice. But he was far from saying that it would not be expedient to introduce such a provision, although he did not feel the same confidence in the utility of that part of the Bill as in the utility which must probably result from other parts of the measure.

LORD BROUGHAM said, that the practice of *imparlance* to which his noble and learned Friend had referred, was of a different character from the system which he sought to establish; for that practice had been confined to the parties to the suit, and had certainly been found completely useless. But by his proposal the parties would be heard by a Judge, in the first instance, who would endeavour to advise them.

The LORD CHANCELLOR expressed his concurrence in the opinion that their Lordships' time would not be usefully employed in discussing this subject at present, when they were not in possession of the Bill proposed by the noble Lord, so much must depend on the practicability of the provisions, and so much on their being adapted to carrying the principle of the measure into effect. The tax of about 150,000*l.* which was stated to be now levied on suitors in Chancery was not connected with the present administration of justice in that court. There was a very large sum to be paid over to the Consolidated Fund by way of compensation; and it had always struck him as a singular thing that a suitor of the present time should pay a tax to compensate those whose services in former times had been acknowledged by payment from the suitors of those days. In cases which were submitted to arbitration, all the expenses of preparing for trial were frequently incurred. One class of these cases was familiar—namely, cases in which builders, architects, or surveyors were engaged. From want of attention during the progress of the work, a difficulty was experienced in procuring distinct evidence. The evidence, indeed, would be so uncertain and contradictory that its character would be seen from the opening; Judge, and jury, and counsel would see how hopeless it was to arrive at a just conclusion without further inquiry. The jury would look up in despair and say, "How can we decide? Had not some surveyor better look to it?" If parties wised to refer the questions in dispute between them to the Judges of the County Courts, he did not see how they might not do so now. There were persons in London who had considerable practice in arbitration on questions of charter-party, contract, and the like questions arising out of shipping concerns.

But it not unfrequently happened that the judgments of these persons gave dissatisfaction, and became the subject of discussion in courts of law. Then there were gentlemen at the bar who were in the practice of taking arbitrations. He should like to know what had been the experience of the Judges of the County Courts—to what extent they had been employed in giving opinions on the multiplicity of questions which would come before them from persons applying without professional aid, and incompetent to state their own cases. However incredible it might seem when he said so, yet it was the fact, that very few persons were able to state their own cases. So disjointed was their manner, so little aware were they of the weak points of their case, that when they came to state it for themselves, great injustice might be done. There might be arbitrations now without coming into court.

Bill read 1ª.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 7, 1851.

Minutes.] New Member Sworn.—For Harwich, Henry Thoby Prinsep, Esq.

Public Bills.—2ª Appointment of a Vice-Chancellor; Commons Inclosure; County Franchise.

COPPER MINERS IN ENGLAND COMPANY'S BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. SPOONER was opposed to the second reading of this Bill, and should move its postponement, which was an important one, and created a new species of legislation. The Copper Miners was an old chartered company, formed for the purpose of working the copper mines in England. They became greatly involved, and borrowed a great deal of money upon debentures. The object of this Bill was to oblige the creditors to become partners in this bankrupt concern by threatening them with the loss of their money if they did not do so. He had no interest directly or indirectly with the company; but he knew a certain Baronet who had lent 1,000*l.* to them, for which he held their debentures. If the Bill passed, he must either surrender these debentures and become a shareholder receiving 10*s.* in the pound, or submit to all these claims against the company being annulled and determined. It was, however, the capital of the company and not the shareholders that was at present liable. He contended that such legislation would be most dangerous and improper.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day Six Months.'"

Sir De L. EVANS supported the second reading. He knew officers, and officers' widows, who had put about 60,000*l.* into the debentures of the company because they were aware the Bank of England had lent the company 270,000*l.*, and therefore thought they were entering upon a safe and secure investment. They were now involved in the distresses of the company, but they thought it better to get 10*s.* in the pound than nothing, and, therefore, eight-ninths of the shareholders had petitioned Parliament in favour of the Bill, which also was supported by the Bank of England. If the House refused to refer the Bill to a Committee, instead of getting 10*s.* in the pound, those poor people would get somewhere about 9*d.* in the pound possibly.

Mr. MUNTZ looked on the Bill as an attempt to support a mischievous system. The Bank of England, no doubt, would support it, because they were the last lenders. He had no interest in the company one way or other, except in so far as he used large quantities of copper, and would therefore be glad to see them succeed; but he was satisfied those who now supported the Bill would hereafter repent if it became law.

Mr. BOOKER, as sheriff of the county where the company's works were situated, had once to execute a levy upon them to the extent of half a million sterling, and from what he saw on that occasion felt bound to protest against such a Bill being sanctioned by the House. He felt every sympathy for the parties who had been mentioned, but he must say they had embarked in the company with their eyes open. If the House entertained a Bill on such principles, they would inflict a heavy blow on the manufacturing and commercial industry of the country, from which it would not soon recover.

Mr. M'GREGOR said, that if the Bill was not carried, the creditors would lose every shilling of their money.

Mr. BROTHERTON, in supporting the second reading of the Bill, said that he had done so on the representations of the hon. Member for Glasgow, who he (Mr. Brotherton) believed understood the case thoroughly. He knew enough of it himself to be convinced that for the sake of the creditors, the shareholders, and the public, it was the duty of the House to let the Bill go into Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 123; Noes 66: Majority 57.

Main Question put, and agreed to.

Bill read 2°, and committed and referred to the Committee of Selection.

CAPE OF GOOD HOPE—THE KAFFIR WAR.

Sir De LACY EVANS wished to put a question either to the Under Secretary of the Colonies or to the noble Lord at the head of the Government. They were all, unfortunately, aware that a new Kaffir war had burst forth. They were, too, all unfortunately aware that the last Kaffir war had cost this country upwards of 2,000,000*l.* sterling. Under these circumstances, it was important taxpayers should know under what conditions they were to enter upon this new Kaffir war. He must do the noble Earl at the head of the Colonial Department the justice to say that he had a distinct recollection of a despatch in which the noble Earl warned the colonists at the Cape that the next war in which they should be engaged should be carried on at the expense of the colonists themselves. With that declaration he would have been perfectly satisfied, but that he had seen a statement in the public journals that reinforcements were under orders for the Cape. Now, it was with regard to that point that he desired to have information? He wished to know upon what conditions the new war was to be carried on? He therefore begged to ask the noble Lord whether the House would be allowed an opportunity, before the expenses were incurred, to know from what source they were to be defrayed?

Lord J. RUSSELL could only at present say that Earl Grey had, as the hon. and gallant Member was aware, written in the strongest manner to the Governor of the Cape enjoining him to take care that in any future Kaffir war no expenditure should take place of which this country could be called upon to defray the cost; in short, his noble Friend gave it to be understood that the colony must bear the expense of future wars. At the same time it was impossible for him (Lord J. Russell) to say more than this, that with the exception of sending out necessary reinforcements, the Government would not incur any expense without laying a statement of it before the House, to enable the House to judge of its propriety. One regiment had been ordered to be sent out to the Cape, certainly, on the responsibility of the Government; and the noble Duke at the head of the Army was of opinion that it might be necessary to send a second regiment. At present, however, one regiment only was under orders for the Cape.

Sir W. MOLESWORTH wished to know from the hon. Under Secretary for the Colonies whether any official information had been received as to the commencement of the war?

Mr. HAWES said, that the only information at present in possession of the Colonial Office had already been laid before the House. He would take that opportunity of expressing a hope that no exaggerated degree of importance would be attached to the statements now in circulation with respect to the outbreak at the Cape. No despatch had yet been received from the Governor at the Cape. The only information on the subject which had reached the Government was contained in a despatch from the Colonial Secretary, which communicated what had occurred up to the 4th of January. No despatch had been received from the Governor of the Cape, owing to the accidental circumstance of his being at the same time surrounded by a very large body of Kaffirs. Since that time, however, Sir Harry Smith, with the characteristic skill and courage belonging to him, had emancipated himself from his difficulties by gallantly cutting his way through a horde of barbarous enemies, and had reached King William's Town in safety. In a short time—in fact every day, they were expecting an account from Sir Harry Smith by a steamer, which would bring them information three weeks later than that of which they were now in possession. It would, he thought, then be inexpedient to publish the papers they had at present, although there was no objection on the part of the Government to produce them; but still they thought it was better to wait for further papers, as the moment they were received the whole would be laid before the House.

Subject dropped.

PUBLIC BUSINESS.

Lord J. RUSSELL: Sir, in moving

that the House at its rising shall adjourn to Monday, I will state the course of proceeding which the Government proposes to pursue. When the Order of the Day for the second reading of the Ecclesiastical Titles Assumption Bill shall be read, my right hon. Friend the Secretary for the Home Department will state the alterations and modifications which it is intended to make in that measure, and which are certainly extensive. The last time the House sat, I was asked to postpone the second reading of the Bill after my right hon. Friend should have stated the alterations which we purpose to make in it; I have taken that proposition into consideration, and after my right hon. Friend shall have made his statemen the will propose that the Order of the Day for the second reading of the Bill shall be adjourned to Friday next. With respect to the general state of business, I may say that, there having been a considerable interval during which no public business has been done in this House, it is desirable we should proceed with the estimates for the year as soon as possible, and therefore I propose that the House shall consider the Navy Estimates in Committee on Monday. Having stated my intention to postpone the second reading of the Ecclesiastical Titles Assumption Bill until Friday next, I trust that those who are opposed to the measure will not offer any opposition to the House going into Committee upon it at an early day, supposing the second reading to be agreed to. It is also necessary to take some votes for the Army and Ordnance, especially the vote for the number of men, in order that the House may renew the Mutiny Bill, which expires on the 21st of April. It is not my intention to ask the House to come to any vote upon the income tax until Monday, the 24th instant; and on the preceding Friday, the 21st, my right hon. Friend the Chancellor of the Exchequer will state any alterations and modifications he may mean to propose in the financial measures of the Government. I do not know that I have anything further to state respecting the business before the House, and, therefore, I will conclude by moving that the House at its rising do adjourn to Monday.

Motion agreed to.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Second Reading read,

Sir G. GREY: Mr. Speaker, before I proceed, in pursuance of the intimation made the other night by my noble Friend, to state the modifications and alterations which, if the House shall consent to the second reading of this Bill, the Government, after a full and careful consideration of the objections which have been urged against it, mean to propose that the House should adopt, I am anxious to make a few observations with reference to some suggestions which have been strongly pressed upon the Government as to the course which it might be expedient to adopt with regard to this Bill. On Monday night last it was strongly urged upon the Government, chiefly by the right hon. Gentleman the Member for Manchester, with the view, as he stated, to the despatch of public business, and to prevent the interruption to important business which would ensue by the interposition of protracted discussions with regard to this Bill—and I think his opinion was concurred in by several other hon. Members—that the Government should adopt the course which, as stated by them, was indicated by Lord Stanley in another place as that which he would have thought it his duty to propose if he had been at the head of the Government. But I must say that I think the right hon. Gentleman and those who join with him, in urging that course upon the Government, have not rightly apprehended the suggestion which Lord Stanley made. They seem to assume that, if the Government adopted the course suggested by Lord Stanley, all that they would have to do would be to propose to each House of Parliament the appointment of a Committee, to whom a variety of subjects connected with the relations which the Roman Catholic subjects of England sustain to the State on the one hand, and to the head of their Church on the other, should be referred. They seem to assume also that these Committees would be appointed without debate and discussion, and that after the subject had been referred to them its further consideration would be indefinitely postponed, and that the House would be enabled to proceed at once to the consideration of those other questions of undoubted importance which are intended to occupy the time of Parliament during the present Session. But they seem to me to have overlooked one important part of the scheme indicated by Lord Stanley, which was—not that the subject should be passed over with indifference by either House of Parliament; but what he proposed was, if I understand it rightly, that there should be a Resolution simultaneously passed by both Houses of Parliament—a Resolution expressing the opinion of each House separately that the course recently taken by the Court of Rome is considered as offensive to this country, as derogatory to the dignity of the Crown, and as trenching upon the independence of this country; and that after adopting a Resolution of this kind, they should each appoint Committees of the nature before referred to. Now, I do not wish on this occasion to touch upon any subject likely to give rise to discussion; but I am anxious to state shortly why the Government consider that such a course as that suggested by Lord Stanley would not be consistent with the duty which they owe to the State. In the first place, I beg to state that this course of proceeding by resolution would not effect the object which the right hon. Gentleman, and those who think with him, profess to have in view. It would not give the go-by to the subject, and enable Parliament to proceed forthwith to the consideration of the other matters requiring attention; because this House would be involved in discussions probably as long, as discursive, and occupying as much time with reference to the Resolution, as they would be with regard to the Bill which is now before the House. And with what result? I confess that in all my Parliamentary experience I do not remember a resolution of this nature passed simultaneously by both Houses of Parliament, except with the view of immediately adopting a Bill founded upon it, which should receive the sanction of the Legislature. As every one knows, a Resolution of either House of Parliament does not possess the force of law. What then would be the effect of a Resolution declaring that the rights and dignities assumed by the Roman Catholic prelates under the authority of the Pope were null and void? As I have said, no Resolution of either House of Parliament, at least in matters not affecting their privileges, can have the force and effect of law. A Resolution of this kind, then, having passed, after the protracted discussions with which it would be certain to be accompanied, would be a piece of mere waste paper, as far as concerned any operative declaration of what the existing law is, or as far as concerned the amendment or alteration of the existing law. The titles derived from the Court of Rome would be borne as openly and ostentatiously as before, and if any question were to arise in a court of law with respect to the right of the Roman Catholic prelates to bear those titles, and if a Resolution of Parliament were to be pleaded as a bar to their assumption, I will venture to say that no court would feel at liberty to pay any respect to such Resolutions, so far as those Resolutions were opposed to or professed to alter the law. That is one reason why the Government think the course of proceeding by Resolution not only inexpedient, but inconsistent with their duty. But it is proposed to appoint simultaneous Committees. Now, does the right hon. Gentleman the Member for Manchester imagine that no discussion would arise upon the question of whether the Committees should be appointed at all in the first place; that no discussion—and discussions too, I must say, of a delicate nature, which it is desirable as far as possible to avoid—would take place with regard to the selection of the topics which should be referred to the Committees; and, again, with regard to the nomination of the Committees? Assuming, therefore, that such would be the fact, I do not think that by adopting such a course we could get through with it at an earlier period than we are likely to get through the different stages of the present Bill. And would there not, moreover, be some danger that, instead of allaying animosities which it is most desirable to allay, it would tend rather to keep those animosities alive, if we were to have Committees of both House of Parliament receiving statements from one quarter impugning the different practices which are adopted in the exercise of the Roman Catholic religion, on the one hand, and hearing counter-statements on the other — statements which would, of course, be presented to the public from time to time through the ordinary channels of information, while an indefinite expectation would be kept up of future legislation on a large and comprehensive scale, professing at once to satisfy the Protestant feeling of the country, and preserve inviolate those principles of civil and religious liberty which we are anxious to maintain not only for ourselves, but for our Roman Catholic fellow-countrymen? I will only add, as I stated on a former occasion in answer to the hon. Member for Buckinghamshire, that I am by no means prepared to say that the law with respect to the relations of the Roman Catholic subjects of England to the State on the one hand, and to the head of their Church on the other, is in a satisfactory state—and that while I think it would be inexpedient to throw the question open before a Parliamentary Committee for an indefinite time, I am not prepared to retract what I then said, but, on the contrary, would now distinctly repeat, that I think the subject is worthy the consideration of any Government, and that it is most desirable that those relations should be placed on a better and more satisfactory footing.

The next suggestion which has been pressed upon Government—proposed in a different spirit and with a different feeling—is, that Ireland should be exempted from the operation of the Bill now before the House. There are many hon. Gentlemen who feel strongly with regard to the necessity of adopting some legislative measure in order to check encroachments on the part of Rome, but who, actuated by kindly feelings towards their Roman Catholic fellow-subjects in Ireland—feelings in which I am not ashamed to say I participate, and who, looking to the distinction between the two cases of England and Ireland, are anxious to do nothing that would seem to impose any new disability upon the Roman Catholics of Ireland, or that would give them any reasonable ground of complaint; and they have consequently pressed upon the Government to consider whether Ireland should not be altogether omitted from the Bill. On many grounds, the Government felt it their duty to give this subject full consideration before the meeting of Parliament. We have since reconsidered it; but that reconsideration has only confirmed the conviction at which we had previously arrived, that to adopt that course would be wholly inconsistent with our duty. We felt, and we feel strongly, that if the Bill was to be founded, as it is founded, upon an alleged invasion of the Queen's prerogative, as Sovereign of England — that if the internal concerns of our country are matters with which no foreign Power can be permitted to interfere—that if we proceeded upon that principle, and at the same time proposed to limit the Bill to one part of the united kingdom only, we should be chargeable with tacitly admitting that the authority of the Crown was less paramount and supreme in one portion of the kingdom than it was in another. We felt that if, abandoning this principle, we were to adopt this course in order to obtain support to the Bill, or with a view to its being passed with less opposition than it is now threatened with—that if we were to purchase this advantage in the way proposed, we should be doing that, as Ministers of the Crown, which would be tantamount to a betrayal of our trust. But, while I say this, I admit that there is a wide practical difference between the circumstances of Ireland and the circumstances of England and Scotland. It is impossible to overlook the fact which I have had frequent cause to advert to when addressing the House on former occasions, that the great majority of the population of Ireland are Roman Catholics, with a Church not endowed by the State, which has existed since the time of the Reformation to the present day in unbroken succession—a Church which has been at one time prohibited, at another time tolerated, and another time protected—a Church with bishops side by side with the bishops of the Established Church, and with usages and practices which have grown up, and have been sanctioned there, which have never been known and sanctioned in England, because there was not the same necessity for them, the circumstances of the two countries being wholly and essentially different. And this, in fact, constitutes—there is no use in concealing the fact—I have felt it all along myself, and I am sure all whom I now address have felt it—it is this which constitutes the main difficulty in dealing as efficiently as we could wish to do with the case which has called for the measure to which we now ask the assent of Parliament. In this country, however, the bishops of the Roman Catholic Church have existed for two centuries as vicars-apostolic; lately — I do not know what was the case at an earlier period—but, certainly, of late, her vicars-apostolic were clothed with the episcopal character, and were enabled to perform every episcopal function; the Roman Catholic religion was exercised, to the fullest extent, without let, hindrance, or limitation, and without any necessity for the state of things which existed in Ireland. I am prepared to contend, therefore, that in this country there is no portion of the Bill that can inflict the slightest hardship. In Ireland, however, I am not prepared to deny that, looking to some of the objections that have been made to the Bill, there does seem some ground for believing that it might interfere to a certain degree with practices and usages with which it certainly was not the intention or desire of Government to interfere—usages and practices which have been sanctioned for a length of time in Ireland, and to interfere with which now would be, to a certain extent, a hardship and injustice. I will explain this more fully shortly. But I am not prepared to admit, on the contrary I deny, that many of the objections which have been urged against the Bill are founded in fact or in law. These objections have been directed against the second and third clauses chiefly. With respect to the second clause, it has been stated that it would interfere with all the spiritual acts of the Roman Catholic bishops, and render those acts null and void. Now it is impossible for any one with the slightest legal education to contend that a clause of that nature can render any spiritual act void in law, unless the spiritual act which it is alleged is made void, is an act which can be enforced by the law, and is recognised by the law. All those spiritual acts which are capable of being performed by the Roman Catholic bishops, whether in England or Ireland, are acts to which a willing and free obedience is rendered by the members of the Roman Catholic Church, and, except in so far as their conscience may constrain to obedience, they cannot be enforced at all. I mean that they are not constrained to obedience by the law; that their obedience cannot be enforced by law. I say, therefore, that it was not contemplated by Government, and I deny that the effect of the clause, if passed in its present shape, would be to set aside and render void spiritual acts, such as are necessary to be performed by the bishops of an episcopal communion. Then, again, with regard to the third clause, it has been stated over and over again that it would directly interfere with the provisions of the Bequests Act, passed in order to facilitate the endowment of the Roman Catholic bishops and clergy in Ireland. I deny that it has necessarily at all events such an effect as that which has been attributed to it. It is only necessary to compare the language of this clause with the language of the 15th section of the Bequests Act, which contains the provisions authorising the granting of endowments to the bishops and clergy of the Roman Catholic Church in Ireland, in order to see that not one of the provisions of the Bequests Act is touched by the clause even as it now stands. The terms of the 7th and 8th of Victoria, c. 97, s. 15 (the Bequests Act), authorises grants by deed or will to the Commissioners in trust, &c.—

> "For any archbishop or bishop or other person in holy orders of the Church of Rome, officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, and for those who shall from time to time so officiate or shall succeed to the same pastoral superintendence."

Now I should have thought, by looking at the terms of this Act, that it had been carefully worded so as to avoid the necessity of the bequests sanctioned, authorised, and invited under this Act violating in any degree the section of the Act of 1829 which prohibits the assumption and use by Roman Catholic bishops in Ireland of the titles of existing sees. If the terms of the third clause of the Bill now before the House are compared with the terms of the Bequests Act, it will be seen that bequests to persons "officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion," would clearly not be prevented by the third clause—that, in fact, that clause would only prevent endowments by deed or will to persons using the titles or assuming the designations which are prohibited in the first clause. I said just now, and upon consideration I am not prepared to deny, that the operation of the clause as it now stands might prejudice some rights of long usage, and interfere with practices sanctioned by time, and, I believe, also by Courts of Law and Equity. I do not think that directly it is calculated to produce any such effect; but it is probable it may do so indirectly. I admit that such was not the original intention of Government, and we are anxious not to go beyond the views which we entertained when we originally introduced the Bill. On a former occasion allusion was made to the ordination of priests, and to what is called the "collation of priests" in Ireland; and it was objected that the effect of this Bill would be to render such spiritual acts invalid; because it is alleged—and I believe with truth—that under the terms of the Bequests Act it may sometimes be necessary to give evidence of ordination and collation, with the view of establishing the right of parties to bequests that may have been made to them; and that the practice is to give in evidence the certificate of ordination, and the instrument of collation, and this evidence has been received in the

Courts of Law. This instrument, we are also told, invariably and of necessity contains the name of the bishop or archbishop who ordained or collated the priest, and that such bishop or archbishop is generally described by the title of the see which he holds. I have seen one of these instruments; it is in Latin; I don't remember the date, but it is of no consequence, for the practice, I am told, is invariably the same; and in that instrument the archbishop is described as Archbishop of Dublin. Although it may be alleged that the production of such evidence renders the party assuming such a title liable to be proceeded against by the Attorney General, it appears that the Courts of Law have never regarded such an instrument as void. It is alleged that a case may occur under the Bequests Act, for example, where a bequest is left to an ecclesiastic of the Church of Rome, having pastoral superintendence in that Church, and where the deed or will by which the grant is made contains the name of a Roman Catholic priest of the particular place or congregation; that a question may arise in a Court of Law as to the right of the priest so named to the bequest as against a third party who also claims it; and that in order to the settlement of the question he is required to show that he is an ordained priest of the Church of Rome, and that he was collated to the charge of that particular parish. This Bill, it is alleged, under the operation of the second clause—and I must admit I think the allegation has some weight in it—would throw an obstacle in the way of the proof by prohibiting the reception of the ordinary evidence, and drive the parties to secondary proof, or deprive them of that which it was the intention of Parliament that they should have. So again, although with respect to any grant, if the terms of the Bequests Act be followed, this Bill, according to my construction of the words, would not render such grants invalid, it is alleged that the practice has been to use the name and title of the Roman Catholic bishop. I am dealing with the practice which prevails in Ireland, and has prevailed there for several years — and it is alleged that it would be difficult to persuade people, not perhaps having legal advice at their elbow, to depart from the existing practice, and make grants or bequests for the endowment of ministers of their Church, without using terms which this Bill would prohibit. Further, it is said, and I believe there is no doubt, that Courts of Equity in Ireland, since the passing of the Roman Catholic Relief Act, have executed trusts expressly in favour of Roman Catholic archbishops and bishops described by the titles of their sees, not regarding the prohibition in the Act of 1829 as affecting the terms of the grant or bequest. I have been told of a case—I have not, of course, been able to examine the record, and I cannot vouch for the accuracy of the account, except in so far as saying that it comes to me from a quarter upon which I place full reliance—a case in which a decree was made in the Court of Chancery in Ireland, on the 3rd of July, 1844, in reference to a sum of 13,000*l.*, which was directed to be invested in the erection and endowment of a convent of the Præmonstratensian order, or Sisters of Mercy, in the archdiocese of Tuam; and I have been furnished with an extract from the report of this case. It is there stated—

> "The sums left to Roman Catholic charities in this case exceed 30,000*l.* The bequest in the will of the testator was to the Most Rev. Dr. Murray, Roman Catholic Archbishop of Dublin, and the Most Rev. Dr. Kelly, Roman Catholic Archbishop of Tuam, and their successors in the said respective sees for the time being. The Bill was filed after the death of Dr. Kelly, and Dr. M'Hale was made a co-plaintiff with Dr. Murray, as the successor of Dr. Kelly in the see of Tuam; and the fund was administered in that state of the record."

The will on which the suit arose was made in 1834, subsequently therefore to the clause in the Act of 1829 to which I have referred. I am told that that is not a solitary case, and that there are other cases in which, in accordance with the general practice in Ireland, these have been considered good trusts. There was a case before Lord Manners, in which he refused to recognise the succession of Roman Catholic bishops; but that was before the Act of 1829, and no objection was made to the designation of the parties as bishops of sees in Ireland. Now, under these circumstances, the Bill in its present form, if passed, would have an operation which was not in the contemplation, not in the intention of the Government, because, while they have been anxious to maintain the dignity of the Crown, to assert its supremacy within these realms, and to uphold the independence of the country, they had no desire to deprive any part of their fellow-subjects of any civil or religious rights of which they are in possession. After the best consideration which we can give to this case, we have thought it our duty, as I have already stated, to persevere with this Bill, holding it essential that there should be a declaration by Parliament of the will of the nation, if I may so express myself, with regard to the recent act of the Court of Rome, which has excited so much indignation—I will not now say whether justly or unjustly, I have already stated my opinion upon that—and that Parliament should not pass it by with indifference, and, by so doing, encourage a repetition of acts which would be fatal, I think, to the independence of this country; but, at the same time, we have anxiously considered, especially with regard to our Roman Catholic fellow-subjects in Ireland —it is, I think, exclusively with regard to them that these objections apply—we have anxiously considered how we may effect the object in view without giving even the slightest ground of complaint to our Roman Catholic fellow-subjects in Ireland that their rights are abridged, and that practices long sanctioned by usage in that country are about to be interfered with, and—I will not say their property confiscated, because I think that is an unfounded and exaggerated statement—but that new impediments, not before known to the law, are to be placed in the way of their applying their property to the use of that Church which is not endowed by the State, but supported by their voluntary contributions. We might, no doubt, have omitted certain words, and inserted others, to meet the particular cases to which I have referred; but after giving the subject the fullest consideration, we have come to the conclusion, that by attempting amendments of that kind we might only be raising new points of discussion, and giving occasion for new objections not yet started, and might, after all, not completely effect the objects we sincerely have in view. Under these circumstances we have come to the conclusion, that if the House, after hearing my statement, shall agree to the second reading of the Bill, we shall, when the House shall go into Committee upon it, propose to omit altogether the second and third clauses. With regard to the fourth clause, that is wholly ancillary to the second and third clauses; and, therefore, must stand or fall with them. I have stated the considerations which induce the Government to adopt this course; and I will now say a few words in reference to an objection which I see I may anticipate, and which it is impossible not to anticipate, namely, that the Bill, reduced as it will then be, to the prohibition contained in the first clause, will not be worthy of the occasion, and not justify the expectation of the country. To this extent it ought to justify that expectation, that it will be a Parliamentary declaration that the titles assumed, as they are ostentatiously, under the authority of the Pope, are not to be borne by persons claiming authority in this country. It will be a national protest against that act of the Pope—a national declaration that the authority assumed is one which Parliament will not allow to be exercised. When it is stated that this is so inefficient and limited an Act, I must say that I do not concur in that statement, judging by past experience; and I cannot admit that the clause in the Act of 1829 prohibiting titles is a dead letter, or that it has not answered to the full the object with which it was framed, and the expectation with which it was passed by Parliament. I have said that it has been the practice for the Roman Catholic bishops in Ireland to use those titles in letters of ordination, and in the collation of priests; and it is alleged that it is necessary for them to do so, because, in those documents, the authority must be shown under which the acts are performed; but ostensibly, in their communications with the Government, in approaching the Throne or the Legislature, there has been a respect and an obedience to the law; and in all those documents, and upon all official occasions, it has been observed, and the bishops have abstained from using those titles. I believe the same result will take place in England if this Bill be passed, because I believe the Roman Catholic subjects of Her Majesty will observe the law, and think it their duty to obey it. Only a few days since, I had the honour of presenting to Her Majesty an address from the Roman Catholic archbishops and bishops in Ireland, in which, describing themselves as such, they did not assume either in the body of the address, or in their signatures, any title prohibited to them. Certainly, if they had, I should have felt it my duty to abstain from presenting it to Her Majesty. So also with regard to the petition presented to this House the other night; that petition was signed by every Roman Catholic archbishop and bishop in Ireland, using his Christian name and surname, without assuming the title of his diocese. I have now stated what clauses we propose to omit—that we propose to avoid all interference with long-established usage, and with rights conceded to, and long exercised by, our Roman Catholic fellow-subjects. But I must avow my own opinion, that although it is necessary that such a Bill as this should pass, and although I think such a prohibition, proceeding from the Legislature, receiving the sanction of both Houses of Parliament and of the Crown, will have the effect of a national protest and declaration against that act of the Pope which has been so much objected to, yet it is not to any Act of Parliament that I look for the maintenance of the Protestant religion in these realms, but to that deep feeling of attachment to the Protestant faith which not only the members of the Established Church but the members of every Protestant denomination possess, and to which they have given utterance in language clear, unambiguous, and unmistakeable. It is to their just appreciation of the blessings connected with the maintenance of the Protestant faith in this country that I look for the maintenance of that faith, accompanied, as it no doubt will be, with the increased diligence and activity of Protestant ministers in their respective spheres, armed, as I believe, with the armour of truth, to resist that spiritual aggression with which they have been threatened. Before I sit down, I will advert to a question put by the hon. Member for Ayrshire, with regard to the operation of this Bill upon the bishops of the Episcopal Communion in Scotland, whose petition has been presented to-night. Certainly their case was not at all in the contemplation of the Government when they thought it their duty to propose a Bill of this kind. There is nothing in the conduct of those bishops, in the course they have pursued, which would render it in the least necessary or expedient that a Bill should be passed placing them under any disability to which they are not now subject. But I feel it right to state that I believe those bishops, designated as they are in an Act of Parliament—the first Act of Parliament recognising them in their episcopal character, the Act in 1840—"Bishops of the Protestant Episcopal Communion of Scotland," have no shadow of right whatever to assume or use titles drawn from Scotch dioceses. There are those who think it is against positive law—the Act of Union embodying the Act of Settlement: that may involve a nice question; but at all events they are without law, I believe, in this. The usage has grown up only within the last 20 years, and it is not now universal among them; and in introducing words exempting bishops of the Protestant Episcopal Communion in Scotland from any penalties to which they might be subject under the Bill, I should feel it my duty to provide that the exemption shall not be held to give them any right to the use or assumption of titles to which they are not already by law entitled. There was an observation made by the hon. and learned Member for Athlone, who charged me with presenting to Her Majesty an address from the Protestant bishops in Scotland, signing as bishops of dioceses over which they presided. I contradicted him at the time, but I had no opportunity then of giving an explanation. No address from the Scotch bishops was presented to the Queen. The only address I have seen which contains any of their signatures, with the exception of one from Edinburgh, to which no objection could be taken, was from the members of the Society for Promoting Christian Knowledge, which was brought to me signed by 3,000 or 4,000 of the members of that society, in their individual capacity; it was an address remarkable for its moderation, expressing firmly an opinion with respect to the recent act of the Pope, and the establishment of a Roman Catholic hierarchy in this country, but in language to which no possible exception could be taken. After the secretary had left the address with me, I observed among the signatures those of four bishops of the Protestant Episcopal Communion in Scotland, who had signed their names, and added to their names a description as bishops of certain places. If that address had been from the bishops themselves exclusively, I should have respectfully returned it to them, pointed out what I conceived to be the impropriety of so addressing the Throne, and requested them to return the address signed as the Act of Parliament appears to prescribe. But as the address came from a very large number of members of this society, and the signatures were not, I believed, contrary to any law, I felt it my duty to lay the address before Her Majesty; but in signifying the reception of the address to the Archbishop of Canterbury, the President of the Society, whose name stood first on the list of signatures, I thought it necessary to write an official letter to him, desiring it to be expressly understood that in laying that address before Her Majesty no sanction was given to the form of signature adopted by these bishops in Scotland, and no recognition intended of titles which they had assumed. I thought, under the circumstances, that was the best course I could adopt; and I hope the hon. and learned Member will see that he has not correctly represented the course I pursued. I have now stated what the Government propose to do. I have endeavoured to abstain from matter which might lead to debate at present, because if we are to postpone the second reading of this Bill for a week, it is desirable that we should not now be involved in a long and protracted discussion, which must again take place on the second reading. I have only, therefore, to move that the Order of the Day for the second reading of this Bill be postponed till Friday next.

MR. J. STUART said, that the right rev. Prelates of the Episcopal Church of Scotland, from whom he had presented the petition that night, conceived that the great principle at stake on this occasion was far more important to them and to the country, to the Church and to the people, than any question with reference to their titles. But the measure which the Government now invited the House to discuss next week, would in no respect answer to the measure for which they were prepared by the noble Lord at the head of the Government, when he first expressed his opinions upon the subject. This was a most important consideration for the House, and especially for those Members who had voted for the first reading of the Bill—that they should observe attentively what the nature of the measure was, as now described by the right hon. Baronet the Home Secretary. When they entered into discussion upon this Bill, they would have to consider whether there was not a greater confusion between the legislative and the executive functions of Government than had ever before presented itself to the House. The noble Lord at the head of the Government described the act of the Pope as a gross insult to the supremacy of the Crown. If such an insult was offered, it was the duty of the Executive Government to take proper steps with regard to it. One constitutional mode of resenting such an insult was by proclamation, calling the attention of the subjects of the Crown concerned to the rights of the Crown. That he conceived to be the constitutional law in respect of this subject, and he threw it out for the consideration of the noble Lord and his Government, and of the House, in applying their attention to the Bill. If an insult were offered to the Crown, it was the duty of the noble Lord to notice it, if proceeding from a foreign Power, by some notification, not only of the feeling, but of the sense of the Government respecting the rights of the Crown. He did not see his hon. and learned Friend the Attorney General in his place; but, as a constitutional lawyer, he had no doubt furnished the noble Lord with precedents applicable to the case. But what had the Executive Government done in discharge of their duty in respect to this insult? Had there been a proclamation of the Privy Council, or a declaration to the people of England that the rights of the Crown which existed for the benefit of the people had been insulted? How was the insult met? Why, instead of the authority of the Privy Council being invoked, and of the people of England being informed upon the matter by the Executive Government through the proper authority—by a private letter published in a newspaper, addressed by the noble Lord, as an individual, to another subject of the Crown—by a letter, be it observed, published in a newspaper, the noble Lord expressed his indignation at the insult that had been offered to the Sovereign. Upon what constitutional precedent was it that the dignity of the Crown was to be held so low that an insult offered to the Crown by a foreign Power, in the face of the people of England, was to be noticed by the Prime Minister only by a private letter, addressed to a private individual, and published with his sanction in a newspaper? Anything more forgetful of what was due to the Crown of England, and to the people of England, could hardly have been conceived. It was the duty of the Government to protect the rights of the Crown as well as the rights of the people, and when those rights were attacked they should be vindicated in a manner suitable to the dignity of the people of England. Another mode pointed out by constitutional precedent, of vindicating the rights of the Crown when an insult was offered to it by an individual coming into the dominions of the Queen, armed with the authority of a foreign State to do certain things amounting to insult, it would be within the power of the Crown to remove that person—to order him forthwith to quit the kingdom. But when it was found that none of the precedents had been followed, it was natural that the reasons for not following them should be asked for. The reason was this. His hon. Friend the Member for Buckinghamshire had pointed out the reason why the Executive Government had placed itself in such a position as to be unable to vindicate the dignity of the Crown. It was plain that the excuse for this insult was that the individual who had inflicted it, conceived that he was encouraged to it by the acts of the Government itself; and therefore the Executive Government had, by their own act, lost the power of vindicating the majesty of the Crown in a manner becoming their own dignity, and had been obliged to vindicate it through the medium of their law officers; and their law officers were compelled to say that there was hardly a jury in England who would say that the defence was bad that would be put forth by those who encouraged the movement. The noble Lord had said in his letter that he would have the law examined. Examined, no doubt, it had been, and had been found no doubt to be such as to confirm the view that there were constitutional means in the hands of the Executive Government for taking the first step to vindicate the authority of the Crown. By this Bill the House was placed in a predicament raising considerations which the right hon. Baronet the Secretary of State would have to deal with; and the House would require an explanation how the dignity and supremacy of the Crown were to be maintained by simply enacting that certain titles should not be used under a penalty—while they were told that by the law as it stood, and by the decision of Sir Edward Sugden, gifts made under those titles were valid and legal. The Government would have to satisfy the House, before they could agree to the second reading of this Bill, how the supremacy of the Crown — another name for Protestantism — was to be maintained against future insult by prohibiting under a penalty the use of a title which nevertheless might be validly used in a will, and in creating an endowment for the support of that title. A greater farce than this there never was, nor anything more deplorably absurd. The right hon. Baronet had made a number of objections to proceeding by resolution, objections which, with great respect, he (Mr. Stuart) must call puerile; they did not touch the real point. The proposal which had been made in another place by a noble Lord to proceed by resolution did not appear to him to maintain the dignity and supremacy of the Crown. He considered that the first thing that ought to be done, and the true way to maintain the dignity of the Crown, was to proceed by resolution; but the right hon. Baronet seemed to have rather an imperfect view of the constitutional mode of proceeding in a case like this. If the Government neglected their duty by not taking the proper means of resenting the insult to the Crown of England, the proper way was then for the House to record their sense of the insult that had been offered to the Sovereign. The Government had not touched the real point; but he hoped there would be a full and ample discussion, and a fair consideration of every view that presented itself, suitable to the importance of the occasion, and the magnitude of the question. He had thrown out these few remarks and suggestions in the hope that they would be fairly considered and fairly met.

Mr. M. GIBSON desired to say a few words in explanation, as the right hon. Gentleman the Home Secretary did him the honour of making one or two marked allusions to certain views which he was supposed to have expressed in reference to this question. The right hon. Gentleman assumed that he (Mr. M. Gibson) had come forward to support some particular plan, with a view to deal with Papal aggression. Now the only plan he was in favour of was the plan of doing nothing. Not being the advocate of any legislation, he could not be the advocate of inquiry; not desiring to legislate upon the subject, he did not desire to obtain any information about it by a Parliamentary inquiry. His remark was made in reference to those who did desire to legislate; and he would still say, that if they were determined to legislate, it was better to legislate with information than without it. A noble Lord in another place certainly said he did not consider himself to have sufficient information to legislate now; and he (Mr. M. Gibson) thought that, considering the course taken, many Gentlemen would question whether the Government had sufficient information to legislate now. The evils of inquiry might be great, but the evils of legislating in ignorance were greater; and the greatest of all evils was, bringing in a Bill to do one thing, and finding it was going to do something else. He rose merely to set himself right; he still adhered to the opinion that it was better to do nothing, and he had the gratification of perceiving that the tendency of things was to a gradual approximation to that sound principle.

SIR R. H. INGLIS said, at the present moment I have only to state, that I entirely concur in the last sentiment expressed by the right hon. Gentleman who has just sat down—that our legislation on this subject is a gradual approximation to doing nothing. That evening, a Bill had been before the House for regulating the affairs of an English Copper Company. Those who advocated the Bill said, if it did not pass, the unfortunate shareholders would only get a dividend of 9*d.* in the pound, while, if it did, they would get 10*s.* in the pound. In his opinion, this Bill would give the people of England little more than 9*d.* in the pound. As it originally stood, it had been termed a milk-and-water measure; by some chemical process, unknown to Faraday, the Government had succeeded in extracting all the milk. It was, to all intents and purposes, the play of *Hamlet* with the character of Hamlet omitted. Even at the first, indeed, it was not such a measure as the people of England might have expected after the letter of his noble Friend, which had raised their feelings and kindled their enthusiasm. And now, after four weeks of deliberation, a measure was introduced utterly deficient of all which they had a right to expect. Although he was willing to take 9*d.* in the pound rather than nothing, the country would not be satisfied with such a composition; and if the noble Lord compounded with his creditors on no better terms than these, he could scarcely wish him a good deliverance. This was a question of deep feeling. The people of England were, thank God—he hoped he might say it reverently—deeply attached to the Protestantism of the constitution of their country. They would not tamely suffer the indignities which had been placed upon them. This Bill—emasculated as it would be when it came before the House—would leave them open to the mercy of the Court of Rome. He felt bound to take this first opportunity of stating that the proposed measure of Her Majesty's Government met nothing like the just expectation of the country; and he gave them fair warning, that, in the progress of time, they would be compelled to adopt measures infinitely more stringent, and more suited to the necessities of the occasion.

MR. BANKES doubted whether his hon. Friend who had just sat down would find even his 9*d.* in the pound in the amended Bill. And if any of the law officers of the Crown were present, he should ask them how much better off we should be for the new prohibitions against these pretenders, than with the law as it now stood. The law attached a penalty to such assumptions, and authorised the Attorney General to sue for it in a court of justice. The Attorney General, in his speech the other night, spoke strongly in favour of the second and third clauses which the Government now proposed to abandon. The Motion now before the House was, for adjourning the consideration of the Bill to that day week, which he thought would have been a better Motion had it been for adjournment to that day six months—much better than to go on with a measure that was disgraceful to the Government and the Legislature. It had been said, on Roman Catholic authority, that the number of petitions on this subject had not been large. He believed that assertion to be correct, and that the reasons were these: that Parliament was not sitting when public attention was first called to this subject; also, that the First Minister of the Crown stated he should give authority to his law advisers to inquire whether the law, as it stood, was not sufficient to meet the case; and therefore the petitions were addressed to the Queen, urging Her Majesty to call into operation the provisions of the existing law. The letter of the noble Lord at the head of the Government to the Bishop of Durham had so excited the country, and was so clearly intended to excite it, that the Cabinet—all of whom recognised and adopted the noble Lord's measure—were not justified in proposing such a measure as this. In proportion to the disappointment of the people would be their indignation. A stronger speech than that of the noble Lord's in proposing this Bill was seldom delivered even in the days when Catholic emancipation was debated. But when the public compared that speech with the present measure, they would think that their confidence had been betrayed. Many persons were of opinion that the late resignation of the noble Lord was caused by the difficulties in which he was involved on account of the present measure, and until he heard that denied, he should participate in that opinion. It would have been more candid if the noble Lord had said that this Bill constituted one of his main difficulties. That circumstance might reconcile a portion of them to the disappointment they would feel at the poor and paltry nature of the measure. The Government gave notice of their intention to take this subject into consideration, as one of the highest import; and therefore it was no wonder that that confidence in the Crown and Government had been manifested by the people. But he now feared the result would prove that that confidence had been misplaced. Under all the circumstances of the case, the House and the country had a right to expect from the Cabinet some better explanation than they had received for such a disappointment. It was not for him to offer an opinion upon the duties of the Crown and the Cabinet; but so far as he might venture to speak, he would utter his opinion that the Sovereign who sat upon the Throne must judge that Her prerogative had not been well defended—that an insult offered to Her rightful authority and supremacy had not been well trusted in the hands of Her Ministers when She saw that this Bill was all the result of that letter of the noble Lord, and of that manly and determined speech which under the authority of Her Royal sanction he had delivered. He must refer to the proceedings of the Synod of Thurles as affording an illustration of the kind of evil which they had to meet. It was far beyond a question of the mere assumption of titles, which some might be disposed to treat with contempt or disregard. But no one who reflected one moment on the subject, would consider that it was no matter of importance whether a foreigner should be allowed to appoint parties who had the power to sit in conclave in any part of this empire. They had to be prepared for such changes, and he (Mr. Bankes), after what the Prime Minister had said on the subject, could not have believed that he would have lent his sanction to a measure which afforded no protection against them. Lord Liverpool, on the 17th of May, 1825, in a speech during the debate on the Catholic Relief Act, had said—

> "The evil I apprehend from the passing of such a Bill will not be immediate, but it will be inevitable, and it will come on the country in a manner which is little expected. The grand maxim of the Roman Catholics is, 'If one Church sinks, the other must swim; destroy all the Protestant Church Establishments, and that of the Roman Catholics will flourish.' To destroy that Church is, in fact, their great object, it is their duty, it is their religion, it is their oath, it is their everything. To effect its downfall, circumstances may in the mass not favour their designs; but if the object be effected, what does it signify if the mischief be produced by open attacks or by a more insidious process? Noble Lords may think that by removing the disabilities which were laid on the Roman Catholics, all dissensions between the two churches will cease. If it were possible to unite the Roman Catholics and Protestants in one friendly mass, based on a common system of education, I should strain every effort to attain so desirable an object; but the very hope of such a thing is visionary, and those who have that object at heart, and introduce the present measure as the means of effecting that object, will be totally disappointed, and grievously deceived, if they were to carry it into law."—[See *Hansard*, N. S., Vol. XIII., pp. 747-48.]

At a subsequent period, four years later, the measure of Catholic relief became law, and in course of time the system of education referred to by Lord Liverpool was attempted. The Court of Rome acted as Lord Liverpool predicted that they would act, and the Synod of Thurles openly interposed to frustrate the system of education which our Queen had approved, and the two branches of our Legislature had enacted. And yet, after all that the noble Lord at the head of the Government had said on the subject, he was content to offer to the House and the country a measure which provided for nothing but what was provided for by existing statutes, which the hon. and learned Gentleman the Attorney General might enforce, and which he ought to have enforced long ago. It was proposed to adjourn the consideration of this Bill for a week, but he would rather adjourn it for six months than offer such a piece of delusion to the public.

Mr. GLADSTONE said, this was a question of great importance, and one on which he entertained very decided sentiments, but he would rather reserve the expression of them until he had an opportunity of stating them fully and in detail. The point to which he wished at present to call the attention of Government was with reference to the shape in which the measure was to be laid before the House. He did not understand that the right hon. Gentleman the Home Secretary intended to print any portion of the changes he proposed to make. As regarded the latter part of the Bill, that, of course, was unnecessary, because the clauses were simply to be removed; but he understood that words were to be added to the first clause for the purpose of excepting and distinguishing the cases of bishops of the Ecclesiastical Church of Scotland. He presumed that, with the same view, some alteration of the preamble would be necessary, because at present its language was so wide that it covered all ecclesiastical assumptions whatsoever. The rules of the House would not permit them to have a reprint of the Bill at this time, but he would suggest that it would be more convenient to have reprinted upon a separate paper the preamble and the first clause of the Bill, as it would stand in Committee, in the event of the adoption by the House of the Amendments which Government had introduced.

LORD C. HAMILTON would appeal to any hon. Gentleman who had heard that most powerful speech in which the Prime Minister introduced this Bill, whether he could have conceived it possible that any Bill of which that speech was the prelude should have been reduced to so miserable a rag and tatter as that which was now presented to the House? He would ask the House to pause before they committed themselves to a consideration of the proposed object of this Bill. The Bill was "to prevent the assumption of certain ecclesiastical titles in respect of places in the United Kingdom." It recited the 10th of George IV., c. 7, s. 24, which imposed a penalty of 100*l.* upon any person, not authorised by the law, who should assume the title of any existing archbishop, bishop, or dean; and it extended the provisions of that Act to the assumption of ecclesiastical titles derived from any city, town, or place in England or Ireland, not being an existing see. The preamble of this Bill went on to state that it had been doubted whether the said enactment extended to the assumption of a title or titles of any other place or places not now occupied by the archbishops, bishops, and deans of the Established Church. The object, then, of this Bill was apparently to prevent persons from assuming the titles of archbishops, bishops, and deans, of places not already held by persons authorised by law to hold them. That appeared to be the intention of the Bill; but what appeared to be the intention of the Government? They had been told that since the introduction of this Bill it had been discovered that great difficulties would be occasioned by its operation in Ireland. But when it was recollected that it was now four months since Her Majesty's Ministers had made very strong speeches upon this, the most exciting of all subjects, it was surely the duty of the Government at least to have inquired whether the measure which they contemplated would be liable to difficulties in its operation. The right hon. Gentleman the Secretary of State for the Home Department had attempted to make the House believe that he was anxious to pass the measure in all its integrity; but it was not difficult to observe a difference in the tone of the Government on the subject. As the organ of the Government, the right hon. Gentleman had stated that he proposed to omit the second and third clauses of the Bill. He (Lord C. Hamilton) wanted the House to consider what would be the effect of their assenting to such a proposition. The right hon. Gentleman had stated (and he laid great stress on such statement) that he meant to include Ireland in this legislation. Now, in Ireland, according to the right hon. Baronet's own showing, the law on this subject had been inoperative. He had stated that the two clauses should be omitted, for, if adopted, they would run counter to long-established usage. The titles prohibited by the 10 George IV. had been assumed; and although such assumption was known to the law officers of the Crown, the persons assuming such titles had not been prosecuted—the law had become obsolete and inoperative—it had fallen into desuetude. What, then, was the meaning of including Ireland in a Bill which was to prevent persons from taking titles of new sees, when it was well known that the Roman Catholic archbishops and bishops in Ireland took their titles, not from new, but from the old existing sees? Why, the proposition, as far as Ireland was concerned, was utterly ridiculous. For the last one and twenty years Irish Roman Catholic bishops had assumed teritorial titles in violation of a law which the British Government would not put in force against them. It was a perfect mockery of legislation. And had all this excitement been produced—all this animosity been occasioned for the purpose of enacting, at least so far as Ireland was concerned, that Roman Catholic archbishops there should not assume—what it did not appear they ever meant to assume—new titles for new dioceses? He would not trust himself to say more at present, but could not remain silent when such a statement was made by the Home Secretary after the speech of the noble Lord at the head of the Government. He repeated this Bill was nothing more or less than an insult and a mockery to the Protestants of this realm.

LORD J. RUSSELL: Sir, I have no objection to the course proposed by the right hon. Gentleman the Member for the University of Oxford, and am willing to print in a separate shape any parts of the

Bill which would not otherwise be printed until after the second reading. With regard to the clauses which we propose to omit, it will not be necessary to reprint them; but the preamble, and first clause, as amended, shall be laid before the House. I wish to correct some misapprehensions of the hon. and learned Member for Dorsetshire. The hon. and learned Member says, it is well known that the assumption of episcopal titles by prelates not of the Established Church is against the law as it at present stands, and that the Government failed in their duty in not prosecuting those persons who were guilty of this offence. Now, the statement I made in the letter which has been so often alluded to, was that the law officers of the Crown should be consulted as to the present state of the law, and that if the law were not applicable to the circumstances which had taken place, we would consider whether any measure could not be introduced enacting a new law to meet the case. Questions were accordingly put to the law officers of the Crown, which were formally and regularly drawn up. To these questions we received answers, of which I will now state the substance, and to which I adverted on a former occasion.

Mr. BANKES: Did they refer to Ireland?

Lord J. RUSSELL: To the assumption of these new titles.

Mr. BANKES: There had been no assumption of new titles in Ireland. It had been in this country.

Lord J. RUSSELL: The questions referred to new titles generally. The hon. and learned Gentleman says the Government knew these persons had committed an offence at common law, which the Government might, but had not proceeded to prosecute. My answer is this—that, having asked the opinion of the law officers, they said they did not think that the assumption of these titles was contrary either to the common or the statute law. The preamble of the present Act states that—

> "Whereas it may be doubted whether the recited enactment extends to the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory in England or Ireland not being the See, province, or diocese of any archbishop or bishop recognised by law, but the attempt to establish, under colour of authority from the See of Rome or otherwise, such pretended sees, provinces, or dioceses is illegal and void."

Thus the preamble does not state that the assumption of ecclesiastical titles not being those of the Established Church, is contrary to the Act of the 10th Geo. IV., but only that it is inconsistent with the rights intended to be protected by that enactment. When we got that formal opinion from the law officers of the Crown that the assumption of these titles was not illegal, it would have been futile in us to order them to prosecute persons who had not committed any offence against the law. Their opinion went on to say that if it were proved that bulls or rescripts were introduced into this country from Rome, for the purpose of establishing these sees, then that such an introduction was an offence, I think they said, against the common law, and certainly against certain statutes which they enumerated. But it was a totally different question to institute a prosecution for the introduction of a bull on a particular subject, when it would be found that the parties who had introduced it would only be liable to a prosecution as if they had introduced any other bull or rescript; allowing, for example, first cousins to marry, allowing bishops to ordain, or giving directions upon any matter that might be necessary for the due administration of the Roman Catholic religion. We thought it would be a piece of oppression, and an undue exercise of power, if while we were really prosecuting parties for the assumption of certain titles, we were in form and in law prosecuting them for the introduction of a Papal bull. I still think that to allow the Executive Government an entire discretion with regard to the time and the occasions when they should institute such a prosecution, would be a most dangerous discretion for any Government to exercise. Whether further legislation should not take place, I do not pretend to say; but the enactments upon the subject were very unsatisfactory. The introduction of bulls, the law officers of the Crown were clearly of opinion was forbidden; but whether under the penalties of misdemeanour or of high treason was very doubtful. The prohibition was very general, and was not confined, as in the case of our earlier kings, to the introduction of any bulls which contained matter inconsistent with the King's prerogative, and against the welfare of the State, but was generally directed against the introduction of any writings from the Pope of Rome. With reference to our not proposing to exercise a legislative power to regulate the admission of Papal bulls, I said in the speech I made to the House upon introducing this measure, that I did not intend to legislate upon the whole subject of the relations existing betwen this country and the Court of Rome. I said that this was a vast and extensive subject, upon which we were not prepared to legislate, but that we confined ourselves in the present measure to meet that which has actually happened. I am exactly of the same opinion that I formerly expressed, that this assumption of titles is a pretension to a sway within the realm of England, which is inconsistent with the Queen's sovereignty, with the rights of the people, and with the spiritual independence of the nation. That has been the nature of the aggression committed by a foreign Potentate against us; and the essence of that act was in the insult it offered. The other questions upon which the hon. and learned Gentleman has touched, are totally different. It appears to me that, in order to meet that insult, the direct way is, to introduce a Bill which shall forbid, and if possible prevent, the assumption of such titles. The noble Lord who spoke last certainly requires some further study of this subject; because he seems totally to have misapprehended it. The question of the law being inoperative, because certain things are done in Ireland and given in evidence in a court of law, and the assumption of ecclesiastical titles, were two different questions. The assumption of the title of an existing see of the Established Church in Ireland is forbidden by law. The law has been so far obeyed, that the persons so prohibited to take those titles do not use them in public documents, or when they are addressing the Crown, or the servants of the Crown, the Lord Lieutenant of Ireland or his Secretary, or when they are petitioning Parliament. They do not then assume the titles of territorial sees, but sign themselves "Paul Cullen," or "Daniel Murray," as the case may be. So far, therefore, the law is obeyed. With respect to the exercise of episcopal jurisdiction, they have not changed the titles under which they exercised jurisdiction previously to the Act of 1829, and which jurisdiction has been recognised in the courts of law. If a person comes to an Irish court of law, in order to maintain a right which is founded upon the assumption of these titles, it is a question for the court of law to decide, whether any such right is not rendered invalid by reason of the assumption of those titles. But it is a different question when a person comes before the same court to claim a right in which he is able to show he has an interest under an instrument in which these titles have been used; and it may happen that the right may be good, although the requisite instrument in which it is conveyed may set forth a title which is an offence against the law. Some illustration of this difference may be found in the law as it formerly stood with regard to marriages. The performance of certain marriages was made an offence on the part of the clergyman; but that did not make the marriages void, although an offence had been committed by the clergyman. Our difficulty has been in framing a clause to meet these cases; but we did not succeed in doing so. The second clause referred to the prevention of writings by any person assuming the prohibited titles; and we sought, in the third, by rendering invalid bequests of property to the bishops designated under prohibited titles, to prevent the use of those titles. But we found that we could not use words to prevent the use of those titles for these purposes without preventing and making void acts which belong to the proper exercise of the spiritual character of the Roman Catholic bishops. I stated, in a former debate, that if any part of the Bill were found to interfere with the religious functions of the Roman Catholics, I was ready to alter and expunge such portions of the Bill; for that the Government did not intend to interfere with the spiritual functions of the Roman Catholics. The hon. and learned Gentleman the Member for Dorsetshire has referred to the Synod of Thurles; and he mentioned what I said of that synod in bringing in the Bill. I very much agree with him in thinking that the assumption of these titles is the insult that is offered to the Crown; but that the acts of this synod constitute very much the danger which we have to apprehend. The insult we provide for by this Bill. We think the other—the proceedings of the synod—the act of danger, in its operation on the temporal government; but there has been great difficulty in meeting the question of the synods. My hon. and learned Friend the Attorney General thought, by the use of the word "act," the operation of the synods would be prevented; but we found that that would apply to confirmation, ordination, and other acts within the spiritual jurisdiction of the Roman Catholic Church. The hon. and learned Gentleman will consider the imperfection of language upon this subject. After much consideration, and after various attempts, we have found it impossible to use language of such a nature as would prohibit exactly what we wish to prohibit without touching upon that which we wish to avoid. The hon. and learned Gentleman may be more fortunate than we have been, and may point out exactly how to legislate on this subject. It is evident that Lord Stanley has not been so fortunate; because he proposed one or two years for the preparation of a measure on the subject. I will not say that, by this Bill, or by any Bill we have now to propose, we are free from the dangers to which the hon. and learned Gentleman alluded—from the interference of the Roman Catholic bishops and priesthood with the education of the people in Ireland, and with various matters, some of which are partly temporal and partly spiritual, and others which are of a wholly temporal nature; but, at the same time, I do not think that, because we have those dangers to apprehend, it would be right, even if possible, to prevent meetings of the Roman Catholic bishops for matters of their Church of an entirely spiritual nature, and with regard to the due organisation of that Church. For instance, there is a Roman Catholic Church in Ireland, and a very numerous Roman Catholic population there. Every one must wish the Roman Catholic bishops to have the power of superintending the moral conduct of their clergy, and the means, without calling in the aid of temporal courts, of punishing any immorality that may occur among that body; and so, likewise, with regard to all other matters, the House would not wish to interfere with the spiritual conduct of the Roman Catholic Church. With regard to temporal matters, I certainly view them not without apprehension. I have no apprehension with regard to this country; because the feeling of the country has been shown so generally, almost so unanimously, in favour of the Protestant faith, that I do not think there is any danger in Great Britain with respect to the interference of the Roman Catholic priesthood. I cannot say it is so in Ireland. I cannot say the Roman Catholic priesthood in Ireland may not interfere, and seriously, with the progress of education in many instances, and may not in some instances use their power mischievously as regards temporal matters. I admit, as regards the whole subject, that it requires consideration. We must see in what manner the Government of the Roman See and the bishops in Ireland act before we proceed to any measure upon that point; and, after all I have seen, I am of opinion that we ought to confine ourselves in this Bill to a legislative measure which shall assert in absolute terms the sovereignty of the Queen.

Mr. NEWDEGATE could not sympathise with the troubles of the noble Lord, whose speech was but an enumeration of, to him, insurmountable difficulties; neither could he approve of the Bill as altered and amended by the Government. When he looked at the Bill, and considered how different it would be with the omissions now proposed by the noble Lord from what it was when first introduced, and, much more, when he recollected the first speech made by the noble Lord on this subject, and compared it with that which he had just uttered, he could not help thinking of the old quotation—

"Quantum mutatus ab illo Hectore."

He could not enter into the nice distinctions drawn by the noble Lord with respect to the nature of the insult which had been offered to this country. To confine that insult merely to the assumption of titles, was narrowing it to the shadow, and omitting the substance. The grossest part of the insult was the Pope's having sent a cardinal and legate to constitute within this free and independent country a legislature, not only for ecclesiastical but for temporal concerns. He thought that that part of the subject had not been well considered by the House, or what were the powers with which a cardinal or legate *à latere* were invested. He begged hon. Members to turn their attention to this matter, and they would at once perceive that the Bill was not in any way commensurate with the subject. He had been lately examining certain books—high Roman Catholic authorities, and would read one or two extracts from them, with the permission of the House. The first was from *Corte di Roma*, by Andrea Tosi of Venice, printed at Marseilles in 1774, with the approval of the "Most Reverend the Master of the Sacred Palace of the Pope," dated August 5, 1764. In that work it was laid down that—

> "The legates *à latere* have the right of managing all the affairs, civil, economical, and political, of the nations committed to them by the Sovereign Pontiff; and according to the decrees of Benedict XIV. they may renew investiture, condemn, deprive of fiefs, and give absolution to the extent of the apostolic power; accordingly, as vicars of his Holiness, they possess the plenitude of spiritual and temporal power."—(Vol. ii., p. 221.)

These were the powers that Dr. Cullen came over to this country to exercise. With respect to Cardinal Wiseman, the case was still stronger, for a cardinal had still greater powers than a legate. It was contrary to the constitution of this country since the Conquest, according to Lord Coke, for a cardinal to reside in England. The attributes of a cardinal, however, had been as little noticed as those of a legate *à latere*, as would be seen by the extracts he should read to the House from another work. This work was entitled *Notitia Congregationum et Tribunalium Curiæ Romanæ*, is by Hunald Prettenberg, a Jesuit, was dedicated to the Bishop of Paderborn, and was printed at the episcopal press at Hildesium in Westphalia, in 1693. He would read these extracts in Latin as well as in English, lest his translation of them should be impugned :—

P. 42, De Priveligiis Cardinalium.

(§ 9, cap. ix.)—Cardinali asserenti se esse legatum creditur, etiamsi literas suæ legationis non exhibeat.	Credence is given to a Cardinal who asserts that he is a Legate, although he may not exhibit his letters of Legation.
(§ 12) — Electus in Cardinalem eo ipso a patriæ potestate est liberatus.	A man who has been elected a Cardinal is by that fact freed from the power of his country.
(§ 13.) — Cardinales in commissis sibi ecclesiis a sede apostolica possunt beneficia conferre, jurisdictionem exercere ante captam possessionem.	Cardinals can confer benefices and exercise jurisdiction in the Churches committed to them by the Apostolic See, before taking possession.
(§ 15.) — Cardinali asserenti aliquid actum in presentiæ Papæ vel sibi vivæ vocis oraculo a Papâ mandatum fuisse credi debet.	A Cardinal who asserts, that something was done in the presence of the Pope, or commanded him by word of mouth by the Pope, ought to be believed.

These were high Roman Catholic authorities; and such were the intruded powers and principles which Her Majesty's Government meant to leave untouched by the Bill. The intrusion upon this country of a Roman legislature and officials for temporal purposes contrary to the will of the majority of the nation, was a real and gratuitous insult; but that was not dealt with by the Bill. He could not but feel indignant at the effect this course of conduct on the part of the Government would have upon the character of this country among foreign nations. He could well fancy the Pope and his cardinals describing constitutional government as a farce, seeing how easily they could intrude not only a Roman Catholic hierarchy, but temporal officers of the Court of Rome, into this country, although the Queen, the Parliament, and the country, were opposed to the proceeding. After four months, during which the people had spoken, and the Queen had answered, after 395 Members of that House declared that some effectual measure must pass, Her Majesty's Government had dropped the whole substance of their Bill, had reduced it to this miserable shadow, and had thereby declared before the country and Europe, they were, in fact, impotent to meet the evil. [*Laughter.*] Roman Catholics might well laugh. He was certain if his Holiness the Pope ever smiled, he must smile when he looks at what he has by his sole fiat effected in this country; Cardinal Antonelli must regard the right hon. Baronet the Secretary for the Home Department as the most inefficient State officer that ever held the post. Well might the Pope smile when he compared the power he exercised over this country with that he exercised in Rome, where he was supported by French bayonets. Well might the Pope consider representative government, and the boasted constitution of this kingdom, to be, after all, but a farce; if what remained of this Bill was all England could do to vindicate her independence. He did not wish to protract the debate; but he could not refrain from taking the earliest opportunity of cancelling a promise of support he had given at the Warwick county meeting on this question to Her Majesty's Government, to whose general policy he was opposed. He had been willing to give the noble Lord credit for a sincere intention to vindicate the insult offered to the Crown and to the nation; but now he had found how little likely it was that the noble Lord would really meet the emergency, he took the first opportunity of liberating himself from the pledge he had given, and of declaring that he would not stand pledged to support a measure he considered totally insufficient.

Mr. STANFORD said: Sir, being quite sensible of the difficulties which surround this complicated and most embarrassing question, I was far from expecting a perfect measure—an expectation I should at any time as little dream of seeing fulfilled as of a perfect Minister.

"A faultless monster the world ne'er saw;" but one so puerile, tenuous, and inconsequential as the altered—I cannot say amended—Bill which the noble Lord has submitted to the House, I confess, exceeds the limits of toleration I was prepared to concede; and I think the noble Lord must require all that courage which he assured us the other night that he still possessed, to enable him to bear up against the reception it has met with. It is an ominous presage when even the hon. Baronet the Member for the University of Oxford is found indulging in a vein of metaphorical pleasantry on so grave a question; but ridicule seems to have been thought the most appropriate weapon on all sides of the House. Were I asked to express my humble opinion of the noble Lord's proceedings, it would be something to the following effect: that I was under the impression that the noble Lord had, like another distinguished performer, retired last week altogether from the stage—an opinion very generally entertained both in and out of this House. From the announcement made, however, by Her Majesty's servants this evening, we learn that the old company will have the honour of appearing for the second time this season in "Papal Aggression," a serio-comic drama in five acts, the fifth act being left out to avoid the catastrophe; after which, the popular pantomime of the "New Budget," in which the distinguished harlequin, who has quite recovered from his recent fall, will play off some of his most dexterous tricks, and the unrivalled clown of the establishment will, on this occasion, jump clean through all the windows; to conclude with an original, grand, and imposing fairy extravaganza, called the "Crystal Palace," or a "Cure for the Crisis." This, certainly, is a very nice bill of the play, one that will no doubt draw a full, nay, a crowded House. But I doubt if the performance will give satisfaction to boxes, pit, or even the gallery. I would warn the noble Lord in the same friendly spirit in which the hon. Member for Finsbury had pointed out the other evening, the risk the noble Lord incurs in "starring it" with so poor a company. I would also remind the noble Lord what once happened to Mr. Romeo Coates: the only applause he obtained during a long performance was in the dying scene, and to please the audience he died again. I fear in the same way that that would be the part of the noble Lord's performance which would best please the House. But I have to apologise to the House for having been carried away in a jocose strain so little appropriate to the real gravity and importance of the question; while, however, I have the excuse of following only in the wake of many more distinguished and experienced persons. If the House will bear with me for a short time, I will endeavour to express my serious and most sincere opinion. I have, Sir, paid the greatest attention to the speeches which have been made in this House by its most eminent Members, and have read with care those which have been made by persons equally distinguished in another place, and find that all these experienced statesmen have concurred in advising the Crown that the dissolution of Parliament at this juncture would be most unwise, most inexpedient, indeed, most dangerous. I believe this view is generally thought the right one; and that the large majority of this House would be willing, in consequence, to give an honest support to the present Government, to enable them to get through the business of the country. There was indeed but one apparently insurmountable obstacle—as to the budget. If the Chancellor of the Exchequer would only modify the income tax so as to do justice to the agricultural classes, as he easily might, by placing them in the same position as persons in trade, and carrying out the principle of no profit no tax; and would act with equity towards the trading and professional interests of the country by making a distinction between income derived from commerce and professions, and that derived from realised capital, there is but little doubt of the financial difficulties of the Session being readily overcome. But there is one monster difficulty which swallows up all others, and which the explanations of the right hon. Baronet the Secretary for the Home Department have certainly not succeeded in removing, viz., Papal aggression. I should be very sorry to say anything which might hurt the feelings of my Roman Catholic fellow-countrymen: nothing can be so far from my intention, so foreign to my disposition. I have never looked upon them in any other light than as fellow-subjects and fellow-countrymen, and I wish them to enjoy that perfect freedom of conscience and religious liberty which we all so justly prize. But, Sir, I must deny that the feelings of the people of England in this matter are to be attributed to bigotry and intolerance. The unanimous outburst of indignation has sprung up from a sense of the gross insult offered to the Sovereign, and of the violation of the constitutional law of the realm by the Bishop of Rome; and if ever the *vox populi vox Dei,* had any truth or meaning, it has been illustrated here. And I am perfectly convinced, that the measure just expounded by the right hon. Gentleman will not be acceptable to the people, will not be considered to redound to the dignity of the Sovereign, the honour of Parliament, or credit of the nation—will, in short, irritate many, and satisfy none.

And, let me ask, Sir, if the country ought to be satisfied? No one, whose opinion is of consequence, doubts for a moment that the Bishop of Rome has violated the *jus gentium*, or law of nations, by claiming to invest certain British subjects with ecclesiastical titles of a territorial character—a power and authority belonging only to the Sovereign, and that he has done so in a manner highly offensive to the Sovereign, to the Parliament, and to the people of England. The noble Lord the First Minister has not only admitted it, but in glowing language denounced it, in his famous letter. There can be no doubt of it, even in the opinion of the most sceptical. I have looked into the pages of *Vattel*, an authority on such points. I do not intend to trouble the House with the extract which I made, but I can assure them it is most clear and unequivocal on this very question. But yet nothing has been done—no proclamation of the Crown—no resolution of Parliament condemnatory of this act of the Pope. It may not be expedient to make it a *casus belli* between England and the Pope. I don't dream of such a thing, for one, among other reasons—that the Pope, when vanquished, is not beaten. His policy survives. It is not to be attacked by force of arms, for that method would not reach the evil. But surely the Parliament of England should speak out, should denounce these arrogant pretensions, and respond to the voice of the nation. They would only by so doing, I am sure, be echoing the sentiments of the entire Protestant community of these kingdoms. Again, much has been said on the purely municipal branch of the question, and I venture to think the view taken by the Government has been erroneous. There may be some doubts whether the penalties of the 18th Geo. IV., c. 7, could be enforced against persons assuming ecclesiastical titles, such as Dr. Wiseman and others have assumed. But is it clear that they have not been guilty at common law of a high contempt of the prerogative, and are punishable for that offence? Is it not, at all events, admitted by the law advisers of the Crown, that these titles, having been assumed by virtue of certain bulls and decretals of the Pope, the 9th and 10th Victoria has been infringed, and made the parties liable to an indictment for a misdemeanour. Yet the Government had not thought proper to put the law in motion. The law was clear enough to those who chose to understand it. Sir Edward Sugden, no mean authority, had stated it—why not act upon it. In not doing so, I think the Government has failed in its duty. I know that the noble Lord has given as a reason that the Government would not run the risk of a prosecution on an ancient statute, namely, the 13th Elizabeth, as there was a great chance of failure; but it was not quite honest to represent the law as based altogether on the 13th Elizabeth. It was, as the noble Lord knew well enough, controlled by the 9th and 10th Victoria, passed in 1846, not so very ancient a statute, though a highly ridiculous one, for it left the law in this position—that the offence of publishing and putting Papal bulls in execution in this country was high treason, and the punishment was pared down to that of a misdemeanour, namely, fine and imprisonment. But still there was law to punish if the Government chose to use it; but they did not think fit to do so. Why? That I leave to the Government to answer. It was not in order to introduce legislative enactments more stringent for the purpose either of punishing the past, or of so repressing these offences in future, for the Bill before the House contemplates nothing of the kind. Well, Sir, I think then the conduct of the noble Lord and his Colleagues gives just grounds for suspicion of his sincerity. There were municipal laws in existence, but the Government would not enforce them. The law of nations has been violated, but still no notice is to be taken. How can we be expected to repose any confidence in the noble Lord's new Bill, when we find that neither international law is to be vindicated, nor the existing municipal law of England resorted to? Sir, there are, however, many reasons why, if fresh legislation on this subject is to take place, it should not be hurried or ill considered, but mature and comprehensive. I have, for this reason, put certain resolutions on the Notice-book of the House, pointing out the advantage of referring the entire subject of Papal aggression to simultaneous Committees of both Houses of Parliament—a course not wanting precedent, as I find by consulting the Journals of Parliament such a plan was resorted to so late as 1801, in relation to the state of Ireland, when Select Committees of both Houses were appointed simultaneously, with power to communicate with each other. I am glad to find that my view of the method which should be pursued has been corroborated by many very eminent persons, and I still think it the only one that can be taken with safety. All persons must feel that the time has now arrived when the relations in which the Roman Catholics stand to the law of these realms in civil and religious matters should be ascertained and permanently settled. It is advisable for all parties, for the dignity of the Sovereign, the security of the Church, and the general welfare of the community. I therefore feel deeply disappointed with the measure the Government has produced. With every desire to give my hearty support to Her Majesty's Ministers, knowing the peculiarity of their position, I cannot but express my opinion that the measure is wholly inadequate to the occasion, and will cause the deepest dissatisfaction throughout the country. I can assure the noble Lord that I care very little who pilots the ship, so that we are piloted through the storm. I am perfectly ready to give my hearty though very humble support to the Government if they will bring forward measures calculated to effect the desired objects; but if I find, as I now fear I shall do, that the measures proposed are not in unison either with the Speech from the Throne, or with the noble Lord's famous letter, then I shall feel it my duty to offer an equally hearty and strenuous opposition. Thanking the House for their indulgence in so long listening to so humble a Member of this Assembly, I shall not trespass further at this time on their attention.

Mr. PLUMPTRE agreed with the noble Lord at the head of the Government, that the proper mode of dealing with this subject was by direct legislation, for the appointment of Committees would lead to a great deal of delay, without being productive of any good consequences. The noble Lord had characterised the proceedings of the Pope as an insolent and insidious aggression, and if he thought it right to meet that aggression by legislation, he ought to have done so in an effectual way; but the omission of the second and third clauses of the Bill would neutralise any good effect it might have had; and if passed into a law in its amended shape, he believed the measure would be of little practical utility. The noble Lord objected very properly to the synodical action of the Church of Rome, but he did not propose by this Bill to touch that synodical action. He trusted, however, the noble Lord would devise some way of meeting that evil, and also the evil resulting from the admission of Papal bulls into this country. The present measure would not give satisfaction to the people of this country. The Protestant people of this country had no wish to show a persecuting spirit towards their Roman Catholic countrymen. This was not a persecuting country. Toleration was carried to its utmost limits. But the Protestant people of this country were acquainted in some measure with the character of the Church of Rome, both from the past history of the world, and its delineation in Holy Writ. The Protestant people of this country would give the Roman Catholics free toleration for the exercise of their religion, but they did not wish to be persecuted themselves; they wished to retain the full and free exercise of their religion, and were afraid of the Church of Rome attaining that power at which she was aiming. The Protestant people of this country were a religious people—a Bible-loving people—who would not abandon their right of private judgment; but they knew that the Church of Rome, wherever it obtained predominance, interfered with the right of private judgment, and forbade the free use of the Scriptures, for the Protestant people of this country felt great zeal for the honour of their Queen, but above all they were animated by an earnest zeal for the honour of God, and the maintenance of the truth. They felt that in this aggression made by the Church of Rome on this country those things which they most deeply prize are greatly in danger, and therefore they had been most deeply and justly excited on the subject. He was afraid the Bill proposed by the noble Lord would not satisfy the just expectations of the people, or the case which it was intended to meet; but he trusted that it would receive such amendments in Committee as would render it a satisfactory and efficient measure.

Mr. FAGAN said, that the noble Lord at the head of the Government had over and over again stated that insult had been offered to the people of this country by the Pope of Rome. Now, it was impossible that an insult could be offered, when none was intended. The Pope's interference was altogether spiritual in its nature, merely for the spiritual government of Roman Catholics in this country. He said that no insult had been offered by the Pope, or by any person acting for the Pope. He found that he was corroborated in this statement by the Protestant Bishop of St. David's, who was of opinion that no insult was intended. As he thought that the Bill, even in its modified shape, would infringe the principles of religious liberty, he should continue to give it his most strenuous opposition. He hoped that hon. Gentlemen who were opposed to the measure, from a different cause, would join with him in that opposition.

COLONEL SIBTHORP said, he thought it was rather premature for the hon. Baronet the Member for the University of Oxford, to pronounce an eulogium on the letter of the noble Lord at the head of the Government, to the Bishop of Durham. He (Colonel Sibthorp) had no objection to say at once, that he regarded that letter as a Jesuitical, hypocritical production—as a mere piece of clap-trap. And so it now turned out to be. He thought that the measure in its amended shape would meet with more opposition than before. For his own part, though he felt it his duty to put the noble Lord on his trial, and to give him his support in the introduction of the Bill, though he did not doubt that he should find himself deceived, and now he found he was not mistaken, and he certainly should take no further part in the measure, and he would take care that he was not again caught in the same snare. He supposed that a similar course would be adopted by the Chancellor of the Exchequer. No doubt an amended budget would be brought forward, and that amended budget, like this amended Bill of the noble Lord, would be nothing at all—it would not be satisfactory to the public, or beneficial to any member of any class of the community in the country. It would be merely the *spumantia verba* of a Chancellor of the Exchequer. He thought he had a right to say, that little confidence ought to be placed in Her Majesty's Government. The only remedy for the present state of things would be a dissolution, and an appeal to the public, which would give the people the opportunity of expressing their atachment to the Throne, and their determination to maintain the constitution of the country in Church and State. He must express his detestation of the political cowardice and hypocrisy of the Government, and would say, "The Lord defend our gracious Sovereign from their advice!" If the Whigs continue in office, he should expect to see the Pope—not at the Crystal Palace—he (Colonel Sibthorp) would not go there—but in Downing-street, and, no doubt, a large portion of the secret service money would be appropriated for the purpose of entertaining him. In the expenditure of that secret-service money all sorts of dirty tricks and unfairness were perpetrated, and in these times of professed economy, he found that the Government intended to give no less than an additional sum of 500*l.* a year to the chairman of the Excise. He should oppose any such grant. When the budget would be brought forward, he could not pretend to say. It might be postponed from week to week, until it was brought forward at a period when the House could not properly discuss it. He placed no confidence in the noble Lord or his Government, for he had the worst possible opinion of the whole batch of them.

Second Reading deferred till Friday next.

APPOINTMENT OF A VICE-CHANCELLOR BILL.

The ATTORNEY GENERAL moved the Second Reading of this Bill.

MR. J. STUART said, he did not intend to oppose the Bill, the object of which was to repeal a clause in the Act of the 5th of the Queen, which prevented the appointment of a third Vice-Chancellor after the resignation of Sir James Wigram. If, unfortunately, the Vice-Chancellor to be appointed under this Act should die, or be obliged to resign, recourse must again be had to Parliament for a new Bill, for there could be no doubt that three Vice-Chancellors would be permanently required for the Court of Chancery.

The ATTORNEY GENERAL said, that he intended to propose the introduction of a clause in the Committee which could not have been introduced in the House of Lords; and he did not apprehend, that if the Bill were passed, that it would be necessary to come to Parliament for another Bill in the case put by his hon. and learned Friend unless the last clause in the Bill were retained. That clause was introduced for the purpose of not interfering with any formal arrangements which might be made with respect to the Court of Chancery.

Bill read 2°, and committed for Monday next.

The House adjourned at a quarter before Nine o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 10, 1851.

MINUTES.] PUBLIC BILLS.—1ª Sale of Arsenic Regulation.
2ª Passengers Act Amendment.

PASSENGERS ACT AMENDMENT BILL.

Order of the Day read.

EARL GREY, in moving the Second Reading of the Bill, said, that the object of it was to amend, in two or three points of some importance, the Act that had been passed two years ago. The Commissioners of Emigration, under the present law, had the power of fixing the amount of provisions, upon a calculation as to the probable time the vessel would take in making her voyage. The voyage to America was calculated upon a period of ten weeks, and provisions for ten weeks were required by the Commissioners. But there were now building vessels with improved machinery—some with steam power as well as auxiliary power. Of course, these would not require to have provisions for so long a period as sailing vessels. As the law now stood, the Commissioners had not the power of apportioning the period to the different classes of vessels. The object of the present Bill was, to enable the Commissioners to name a shorter period for vessels propelled by steam power. There was another defect in the existing law. The scale of diet was established by Act of Parliament. That Act gave the Commissioners power of substituting one article for another; but they had not the power of ordering a general improved diet. Now, it happened that emigrants occasionally went out who wished to have a better class of diet, and this Bill would give the Commissioners the power to direct accordingly. The third alteration proposed to be made in the Act was this—as the law at present stood, if an emigrant ship put back in distress, the emigration officers of the particular port had the power of preventing the vessel sailing on her voyage until the damage was made good; but this power was confined to the port from which she had originally sailed. Now, in the case of a vessel sailing from Liverpool on a long voyage being obliged to put into the ports of Belfast or Cork, on account of damage, the emigration agents in these places could not prevent her sailing back to Liverpool for repair, although they had the power of preventing her proceeding on her voyage until she was perfectly repaired. It might, however, happen that the damage done was so great as to render her voyage across the Irish Sea most dangerous to life. The present Bill would give these authorities the power of preventing a vessel putting to sea at all, until it was ascertained that she should do so with the most perfect safety. These were the only changes proposed to be made in the existing law. The Act which had passed two years ago had worked exceedingly well. No complaints of it had been made by the shipowners. The reports received from the Colonies were all favourable to the working of that Act. The passengers generally arrived at their place of destination in good health. The mortality amongst them was very trifling, and altogether the system was found to work most satisfactorily.

LORD REDESDALE reminded the noble Earl of the dreadful cases that had recently occurred of the overcrowding of the steamboats from Ireland. In one of those cases a woman, on being put on shore from one of these vessels, carried in her arms a dead child, who had been killed by its exposure to the cold on the deck, where there was a large number of unfortunate persons huddled together, who, it appeared, had been conveyed at the low charge of one shilling per head. He thought that something ought to be done to check that great abuse. He believed that in some instances money was given to the Irish poor by persons connected with the unions in Ireland, for the purpose of getting rid of them in this way.

LORD WODEHOUSE thought it would be desirable to make some other alterations in the Act of 1849. By that Act the protection of the law was only given to steerage passengers, but the cabin passengers were allowed to shift for themselves. Now, there were many cases in which cabin passengers required protection as much as those in the steerage. It was impossible that they could see that a sufficient quantity of water, or provisions generally, were put on board. They might not even know whether there was a competent surgeon on board. The remedy at law in such cases was utterly fruitless; for under the circumstances attending their landing in a strange country, it was impossible that they could obtain any redress. They were often then obliged to submit to much inconvenience and hardship, consoling themselves with the reflection that they were not likely to occur again. Several cases came under his own notice of respectable persons undergoing much hardship, risk, and danger from the want of these precautions. As the law at present stood, a 400 ton ship might have fifteen cabin and fifteen steerage passengers, and as many as eighteen of a crew, without coming under the provisions of the Passengers Act, which did not compel the attendance of a qualified surgeon on board if there were not fifty persons in all. He would also suggest that some alteration should be made in the registration of vessels, as persons not acquainted with the details of shipping could not see now whether they were properly registered. Such provisions as those to which he had referred were of the greatest interest, not only to cabin passengers, but to emigrants generally.

LORD COLCHESTER suggested the introduction of a clause in the present Bill to secure proper accommation to passengers on board steamers, and referred to a case in which a ship which sailed from one of the northern ports of Ireland with emigrants for America, and, encountering bad weather, was forced to have her hatches fastened down, in consequence of which forty or fifty persons were suffocated.

EARL GREY was perfectly ready to admit that many of the suggestions which had been made were well deserving of consideration; but he did not at present feel disposed to risk the Bill by attempting more than what it already embraced. Upon the whole, he thought it better to leave the Bill as it now stood. It was his opinion that if persons who were about to emigrate would make proper inquiry of respectable shipowners, they would have no reason to complain of the accommodation afforded to them, or of the provisions with which they were supplied.

The EARL of HARROWBY, who spoke in a very low tone of voice, was understood to give notice of his intention to move some clauses in Committee relative to emigrants, and to complain of the treatment they had received on the voyage to America.

EARL GREY thought the noble Earl must be referring to former rather than recent times, for the emigration to Canada—

The EARL of HARROWBY: New York.

EARL GREY: Emigration to New York was principally regulated by American law, and the parties referred to by the noble Earl might have obtained redress by applying to the British Consul at New York. The report of the emigration officer for New Brunswick stated, that during the last year there were only three deaths out of 1,507 persons who had emigrated there, and that the Act had worked most satisfactorily. A similar report had been made by the emigration officer at Quebec, who also said that not a single complaint had been made by any of the emigrants. He had no doubt that frauds were frequently practised upon emigrants both in Liverpool and New York. The Liverpool Dock Company had now a Bill before the other House of Parliament, the object of which was to give them further powers to check this evil; and he understood that societies existed in New York having the same object.

LORD MONTEAGLE bore testimony to the great care and indefatigable attention to their duties exhibited by the emigration agents in the British North American colonies. He thought the same legislative protection ought to be afforded to cabin, as was extended to steerage, passengers.

On Question, resolved in the *Affirmative*: Bill read 2^a.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 10, 1851.

MINUTES.] PUBLIC BILLS.—1^a Audit of Railway Accounts; Incumbered Estates Leases (Ireland).

2^a Valuation (Ireland); Improvement of Towns (Ireland); Commons Inclosure.

MERCANTILE MARINE BILL.

LORD J. MANNERS said, it would be in the recollection of the House that, in introducing the Mercantile Marine Bill last year, the right hon. President of the Board of Trade announced his intention to bring in a general measure this Session for the consolidation of all measures relating to navigation. Hon. Members were aware of the disturbances which were now taking place at all the principal seaports in Great Britain, and they knew, probably, that these disturbances were the result of the dissatisfaction entertained by some of the seamen to the Bill of last year. He wished to know whether the right hon. Gentleman would introduce a Consolidation Act, and if it was his intention to move any

Amendments in the Mercantile Marine Bill of last Session?

MR. LABOUCHERE said, the noble Lord had referred to two subjects of an entirely distinct character. The first had reference to the consolidation of the Navigation Acts. Last year he (Mr. Labouchere) had introduced a Bill to consolidate these Acts, stating, at the same time, that he hoped during the recess hon. Members interested in the mercantile marine of this country would carefully consider the Bill, and favour him with their views and suggestions on the subject. He had since received many opinions respecting the consolidated Bill, and from them it appeared that it was desirable to defer any further legislation, at least until it was seen whether any further alteration was to be made in the laws in question. With respect to the Mercantile Marine Bill of last Session, he had to state that it was not his intention to propose to Parliament to alter any of the main provisions of that Act, because he believed the main and principal provisions of that Act were most useful for all classes interested in shipping. But there were points of detail connected with it susceptible of amendment, and it was his intention, in the course of the present Session of Parliament, when he saw the further working of the Bill, to propose an amendment of that part of it of which he thought just complaint might be made.

CAPE OF GOOD HOPE—THE KAFFIR WAR.

LORD J. RUSSELL: Sir, I wish to make a statement with respect to a question asked me on Friday last, with reference to the state of affairs at the Cape of Good Hope. I have to say, in the first place, additional information has been received from Sir Harry Smith, in a despatch dated the 20th of December; that was at a time when there was no apprehension of the peace of the colony being disturbed. A despatch has also been received, dated the 24th of December, giving an account of an ineffectual attempt by Colonel Mackinnon to arrest Sandilli. Then follows a despatch detailing an ineffectual attempt of Colonel Somerset to join Sir Harry Smith; and then there is an account of the irruption upon Britain and other towns, and the murders which took place. These are the most recent accounts received in this country, which are contained in the public newspapers, which Members of the House have no doubt seen. The next point I wish to give an explanation on is as to the amount of force in the colony to meet these hostile barbarians. On the 1st of June, 1844, there was an army amounting to 3,303 men, of which 280 were mounted cavalry. By the last returns there were 3,397 men, out of which there were four companies of mounted rifles. Sir Harry Smith sent home the 2nd battalion of Mounted Rifles: he did not think there was any necessity for keeping that mounted force, as there was no apprehension of danger, and he considered the force at his disposal was sufficient for all necessary purposes. That was the state of the forces at the Cape at the time of this outbreak. The stores generally were very well provided, and means have been taken to send an additional supply. With regard to the measures which the Government have taken, a regiment has been despatched to the Cape by the *Vulture*, and orders have been sent out that the various detachments stationed around should move to the point of action. The hon. and gallant Member for Westminster asked a question with regard to the heavy expenses caused by these hostilities, and desired to know on whom they were to fall. On this subject, I have to state that, immediately on the receipt of the intelligence, Sir Harry Smith made very large requisitions upon the Commissary General for rations and provisions, and heavy requisitions for the arming of the burgesses. These requisitions were complied with, as it was the duty of the Commissary General to provide all stores which the Governor and Commander-in-Chief should require. In the despatches laid before the House, dated the 21st of March, 1848, and the 21st of June, 1848, Earl Grey declared to the colonists that it was not to be expected that this country should in future bear the expenses incurred by maintaining a force to defend the colony, and that it was incumbent on the colonists to make a suitable provision for that purpose. On the outbreak the Governor had no opportunity of doing anything else than calling on the Commissary General, for the purpose of immediately checking and suppressing this rebellion. The Secretary of State for the Colonies, within the last two days, has written a despatch to the Governor, from which I will read an extract to the House:—

> "The steps you have taken for calling upon the inhabitants of the colony to arm in their own defence, and to form a large volunteer force in aid of Her Majesty's regular troops, appear to have

been well suited to the emergency; and, though a large expense must thus have been incurred, there can be no doubt of its having been absolutely necessary, and that it was far better to make a great exertion with the hope of promptly terminating the war, than to run the risk of its being protracted by hesitating to employ to the utmost all the means of increasing your force which were available. In whatever manner it may ultimately be determined that the charge should be provided for, you were clearly right in increasing the expense, which was indispensably necessary in taking the measures required for the safety of the colony; and I am glad to learn that you have acted upon this view of the subject, at the same time adopting all the precautions in your power to prevent any irregular or improper expenditure. With regard to the question as to how this expenditure is to be provided for, I must reserve my judgment until I am in possession of further information. You are aware, from my despatches referred to in the margin (No. 108, March 31, 1848; No. 141, June 17, 1848; No. 147, June 21, 1848; and No. 247, January 16, 1849), that Her Majesty's Government are of opinion that, while such an amount of regular force is maintained at the Cape as can be allotted to that colony with a due regard to the national resources, and to the demands of other parts of the empire on the services of Her Majesty's troops, it is the duty of the Cape colonists to take upon themselves the charge of all further measures which may be required for their own defence against the barbarous tribes on the frontiers. This is the view which is still entertained of the subject, but it will, nevertheless, be matter for consideration, when fuller information as to the recent transactions shall be received, whether the extent of the present calamity and the circumstances under which it has occurred are such as to justify Her Majesty's Government in recommending to Parliament that assistance should be given to the colony in meeting the heavy demand upon its resources which this war must have occasioned. In the meantime, whatever sums you have been compelled to draw from the military chest for the payment of the force you have raised, or for any other expenses not incurred on account of Her Majesty's regular troops, must be regarded as advances to the colonial treasury."

I thought it my duty to make this announcement to the House, and in conclusion I may observe that there will be no objection to produce the whole of the despatch to which I have referred.

MR. HUME wished to be informed what was the real state of the Government at the Cape of Good Hope. The letters of the Secretary of the Colonies of 1848 and 1849 might have been applicable to a people entrusted with self-government, but unfortunately the people at the Cape had never enjoyed that privilege. The colonists had declared in public meetings over and over again, that they had nothing to do with the expenditure of the previous war; that the money was expended by men appointed from home; and that, if they were allowed the management of their own affairs, they were perfectly prepared to adopt all measures necessary for their safety, and to protect themselves. Such was the language held at public meetings, and such were the declarations of the colonists. But what was the condition in which this country was placed? It was all very well for Earl Grey to write letters, but did he do that which he ought to do? Did he place the colonists in a position to protect themselves? Did any man in that House think that they could call on the colonists to contribute one single shilling for the expenses of this war—and why then were they to be thus trifled with? The fact was, that Earl Grey would sink any Administration with which he was connected. The colonists manfully resisted the orders of Earl Grey, and the result of that resistance was, to obtain what they wanted—a Government to be conducted by themselves. Three days before the opening of Parliament last year—Her Majesty's Ministers had allowed six months to go over — but three days before the assembling of a Parliament, an Order in Council was prepared for giving this free government, and the right hon. Gentleman the President of the Board of Trade brought it down to the House and read it. Upon that occasion he (Mr. Hume) had probably expressed too much satisfaction, for he believed that he saw an end to the anomalous state of things then in existence. Any man who knew anything about the Cape, must know, with an extended frontier of one thousand miles, that it was impossible for a person going out there from the Treasury or Horse Guards to be capable of conducting affairs equally with those residing on the spot. The noble Lord at the head of the Government, on the occasion to which he referred, made as able and eloquent a speech as he had ever heard on the policy which ought to be adopted towards our colonies. He pointed out what the colonies were entitled to, and what, in justice to the country, it was necessary to concede. He did so with the approbation of this House, and the order was sent out to the colonists to prepare for the reception of free institutions. The inhabitants elected four individuals to meet Her Majesty's Government, in order to frame a constitution. No election was ever so unanimous. Well, they met. Sir Harry Smith told them that the first thing they were to do was to vote the military supplies. These gentlemen replied that they had been sent to frame a government, and, as soon as they had done so, the inhabitants would send the proper persons to arrange these matters. Sir Harry Smith was obstinate: he, of course, had his orders. After some time spent in wrangling, the whole four members felt it their duty to leave the Council, and throw themselves on their constituents; and their constituents approved their conduct. It was then determined, at one of the largest meetings ever held at the Cape, to appoint two persons to come home and represent the feelings of the colonists upon the subject. One of them had been in England for the last three months—the other could not come, owing to ill health. Yet nothing had been done by the Government. The Colonial Office would do nothing until it received some orders from the Cape. Under these circumstances, the House would understand that it was not too much to say that the people of England would have to pay for this war, at the very moment they were seeking relief from an overweight of taxation. Probably the whole surplus of the revenue would be swallowed up by these expenses; and he did think it was trifling with the House to have such a letter read, which assumed conditions which were never performed. It was trifling and absurd to pretend to throw a doubt as to where this debt must rest; they had not a shadow of a claim to call upon the colonists, and Earl Grey knew that as well as any man in the House; but as long as they had such men as the noble Earl to direct them, it was impossible that the country could swim. [*Laughter.*] He spoke of a country swimming when it paid its debts. He did not like the idea of paying a bill of two millions for another Kafir war. He might be sensitive, but still he could not bear to see the money of the country wasted which might be so much better employed. Would it not have been better if they applied the whole two millions to educate the people? They were grumbling at giving a sum of 200,000*l.* for the purposes of education, while they were throwing away millions in consequence of the mismanagement of those who were in office. The sooner the whole of the papers referred to were laid before the House the better, for the time was come when some decisive step should be taken; and if such a letter of Earl Grey's as was alluded to should be placed upon the table, he trusted that it would be immediately thrown off. That letter was inconsistent with what Earl Grey knew to be the case. It was an insult to the people, after they had taken away their Government and erected a kind of military despotism to rule over them.

MR. LABOUCHERE said, it was not then his intention to follow the hon. Gentleman through all the details of the question which he had brought before the House. Other opportunities, and those much more suitable, would offer themselves for the House to consider the various points to which he had alluded. But the hon. Gentleman had referred to one point in a manner which, he thought, showed how little of dependence was to be placed upon any of his statements. He told the House that the Government had been employed in depriving the Cape of Good Hope of its representative institutions. [*Cries of* "No!"] At all events he (Mr. Labouchere) had so understood the hon. Gentleman. And then, as an instance of the spirit in which the Government had dealt with the question of representative institutions at the Cape, he stated that it was only three days before the meeting of Parliament last Session that Her Majesty's Ministers for the first time bethought themselves of issuing an Order in Council establishing representative institutions in the colony. But what were the facts? So far from that being the case, months before that Order in Council was issued, Government had referred to a Committee of the Privy Council to consider the whole of the various and grave matters connected with the question of what institutions it was necessary should be given to the Cape of Good Hope. And what was the result of that inquiry? Why, the recommendation of the establishment of institutions, which he ventured to say were at the time considered, and justly considered, to be the most liberal that had ever been sent from this country to any colony she possessed; giving to the colony not only an Eelective Council, but even the choice of the Second Assembly, which in all other colonies was appointed by the Crown. Was it fair or just then, he asked, to hold up the Government to the reprobation of the public, as shrinking from the duty of giving, in the largest sense of the word, free institutions to the Cape of Good Hope? He now told the hon. Gentleman that it was not the case, and further that the hon. Gentleman would have little weight attached to any of his statements, if he persisted in dealing out such sweeping assertions as those which he had used on the present occasion. He (Mr. Labouchere) would not enter into the causes which had prevented the Government from carrying out its intentions. It was his belief, however, that the difficulties had arisen at the Cape of Good Hope itself. Still foundations had been laid, and laid by the Government of this country, which would ensure to the people of the colony liberal and free institutions in the largest sense of the word; and he did think that the Government which had so conducted itself upon such a question, did not deserve to have such sweeping allegations directed against it. He repeated that he would not be drawn into a discussion on the details of the subject; but knowing as he did how exaggerated was a part of the hon. Gentleman's statement, he felt that he ought not to refrain from addressing these few observations to the House.

Mr. ADDERLEY said, after the statements of the right hon. Gentleman, he must express the conviction at which he had arrived, after the closest possible investigation, that though he believed Her Majesty's Government were not to blame for the Cape not being at that moment in the enjoyment of representative government, yet he had not the slightest doubt that want of concert between the Government and the agents of the colony was the cause why the colony was still prevented from enjoying those representative institutions the absence of which would involve this country in considerable expense. He thought, therefore, that the right hon. Gentleman could not wash his hands of the responsibility of the present state of things, as undoubtedly the Government was responsible for those causes which prevented the colony from enjoying the benefit of free institutions. But as the right hon. Gentleman deprecated any discussion at that moment, he would only say that he hoped the time would soon come when they would have a discussion upon the subject, which was so deeply interesting to this country. He rose now to ask the noble Lord at the head of the Government whether it had ever entered into his contemplation that British Kafraria was altogether a different thing from the Cape colony; that it was not a part of the Cape; that it was altogether a separate British possession, under a separate administration, and neither politically nor fiscally connected with the Cape? Therefore, the noble Lord must not delude himself with thinking that the Cape could be compelled to spend one farthing to defray the expenses of this war. It was no affair of theirs; they were in no way connected with it. It might, indeed, endanger their property, but they could not be compelled to expend one farthing in the defence of the frontier. Let it be borne in mind also that an enormous loss of property would be incurred in British Kafraria, and that this country would therefore be called upon to pay not only for the military expenditure, but also the expense of all the forces raised at the Cape, and sent into British Kafraria, must be defrayed from the same source, and that that expense would fall wholly and solely upon the Imperial Treasury; though he believed that if the noble Lord had shown more deference to the opinions of a large body in this House, who had long pressed upon him the necessity of giving the colonies free institutions, he might have avoided the lamentable disaster which had now occurred, and which might be expected to occur year after year, so long as their interests were recklessly neglected. He would now beg to ask the noble Lord whether among the last despatches an answer had been received from Sir Harry Smith to a former despatch of Earl Grey, relating to the disputes that had arisen respecting the constitution? When he some time ago requested that the correspondence respecting these disputes should be laid upon the table, he was informed that it would be inexpedient to lay the papers before the House till the answer of Sir Harry Smith to Earl Grey's last despatch should be received. If that answer had now come, he presumed there would be no further objections to the whole correspondence being laid before the House.

Lord J. RUSSELL said, Sir Harry Smith had left Cape Town some time before the last despatches were sent home, and he did not believe that the answer which the hon. Gentleman referred to had been received—at all events, he had not seen it.

Mr. V. SMITH: Before the conversation closed he was anxious to point out to his noble Friend what he thought was the nature of the information which should be immediately placed before the House with reference to the state of affairs at the Cape of Good Hope. In the first place, his noble Friend had spoken of information from Sir Harry Smith. There could be no doubt that the events in Kafraria had come upon the country altogether unawares, because the last despatch from Sir Harry Smith that had been presented to Parliament, closed in these words, "the Kafirs are now living contented and happy under British rule;" but almost the first announcement made on the reassembling of Parliament was, that another war had broken out in the colony. The primary information which his noble Friend should convey to the House was, therefore, the nature of the causes of the recent outbreak; and as his noble Friend had mentioned despatches, he hoped he would produce them with the least possible delay. His noble Friend had also stated that in March, 1848, Earl Grey sent out positive instructions to the Governor of the colony, that the colonists themselves should be responsible for the expense of all future wars. Those instructions, too, should be laid before the House, together with information as to what steps had been taken with that object in view, what communications had been made to the Governor in council; and what answer they had returned; in short, all that had been done since that despatch of the noble Earl, in order to show that this statement was not a mere idle sentence in a letter, but an official statement made upon the authority of the Colonial Secretary. The House should also be furnished with information as to the condition in which the question of the establishment of representative institutions at the Cape now stood, because, as the hon. Member for Montrose had truly stated, without representative institutions, it was impossible fairly to ask the colony to defray the expense of these wars. With such institutions, however, it was the positive duty of every Member in the British House of Commons to insist upon the colony defraying the expense of any future wars; but he was very much afraid that as long as we maintained such an extended frontier to our South African possessions we should have to lament over the frequent repetition of outbreaks like the present. It was true, as his right hon. Friend the President of the Board of Trade had stated, that there had been no taking away of representative institutions from the Cape colony; on the contrary, the Government had been engaged in the attempt to establish those institutions there. But the House of Commons wished to know with whom the delay rested in carrying out this object, and why representative institutions were not at this moment in operation in the colony. Upon these points, then, he trusted his noble Friend would convey immediate information to the House, as it seemed that the only time when they were to have the opportunity of discussing colonial questions was when the country was in a state of agitation upon these questions; for it was only then that the feelings of the House were awakened to the paramount importance of the subject.

Lord J. RUSSELL could only say, that as much information as the Government possessed upon all the points mentioned should be laid before the House. With respect to what the right hon. Gentleman had said about the extensive frontier of the colony, he begged to remark that it was the opinion of military men that the frontier was in a more defensible state now than ever it was before.

Mr. BANKES said, the noble Lord had stated that he had derived part of his information from private letters, which came at the same time with the newspapers that gave the information to the public. Now if private letters had come, it did seem unaccountable that there was no communication whatever of an official kind to the Colonial Office. He begged to know whether there was not some secretary or other officer who, in the absence of the Governor, might have sent a communication to the Government, when he knew there was a ship sailing to this country?

Lord J. RUSSELL said, there was a despatch from the Secretary of the Governor, addressed to the Under Secretary of State for the Colonies, but it was not so late as some of the private letters.

The **CHANCELLOR of the EXCHEQUER** said, that one of the private letters referred to was from the Commissary General, who stated that the latest news was, that Sir Harry Smith had cut his way through the forces by which he had been surrounded.

Subject dropped.

IMPORTATION OF IRISH PAUPERS — OVERCROWDING OF STEAMBOATS.

Mr. B. COCHRANE begged to put a question to the right hon. Gentleman the President of the Board of Trade, which related to a subject of great importance, and one which had been noticed even by the press of foreign countries. It related to an inquest which had been held on a child of one Anne Connell, who came to England by the *Pelican* steamer, from Cork. An inquest had been lately held on the child, from which it appeared that the passage-money from Ireland was 2*s.*; that the unfortunate passengers were on deck during the whole of the journey, without covering, three days and nights; that there were 750 of these miserable creatures, in all the rain and inclement weather, mixed up with cattle on the deck; and that the unfortunate infant had died of the hardships it endured during this passage. It further appeared that the parochial authorities in Ireland were in the habit of supplying money to pay the passage of poor creatures to get rid of them; and the summoning officer stated that he knew that as many as 1,000 had been shipped from Ireland at 1*s.* 6*d.* per head. It was to be deeply regretted that the Government had not taken steps to prevent such horrible proceedings; and he desired to know whether or not the attention of the Government had been directed to this subject, and whether they proposed to bring forward any measure to prevent such disgraceful and shocking events?

MR. LABOUCHERE wished the hon. Gentleman had consulted with him before putting his question. At the same time, he begged to remind the hon. Gentleman that, two years ago, he introduced a Bill, which obtained the sanction of the Legislature, to prevent the overcrowding of steamboats. The consequence had been, that the Board of Trade had closely watched the proceedings of steamboats since that period; and had instituted several prosecutions—some of them recently—in cases where it was reported, or where they had good reason to believe, that overcrowding existed, especially in the steamboats between Dublin and Liverpool. With respect to the particular instance now adverted to, his impression was—though he could not speak with certainty—that an inquiry had been instituted; but, if it had not, an inquiry should be instituted immediately.

MR. CARDWELL said that, probably, the right hon. Gentleman would agree with him that the law, as it at present stood, had been found by the Board of Trade to interpose difficulties to the vigorous execution of its original object. He had understood that it was the intention of the Government to amend the law in order to make it really and practically what it was technically.

MR. LABOUCHERE said, that the statement of the hon. Gentleman was perfectly true to the extent that the present penalties had been found inadequate. He had a Bill in preparation, which he hoped in a few days to be able to lay on the table of the House, one clause of which would raise the penalties to such a degree as would probably make them sufficient to check the abuse in question.

SIR J. DUKE said, that he had occasion, about eighteen months ago, to call the attention of the House to the complaints of the dangerous crowding of the river steamboats. He had found, upon inquiry at the Office of the Board of Trade, that, notwithstanding the Act to which the right hon. Gentleman referred, those boats were still able to carry as many persons as a seventy-four.

MR. LABOUCHERE hoped he should not be called on to go into the general matter, merely on the asking of a question, but that discussion would be postponed until he brought in his Bill for the regulation of the steam service.

Subject dropped.

METROPOLITAN COMMISSION OF SEWERS.

SIR B. HALL wished to put a question to the right hon. Gentleman the Secretary for the Home Department. He held in his hand a paper purporting to be a report of the Metropolitan Commissioners of Sewers, in which it was stated that the general expenditure of the Commission amounted to 69,511*l.*, while the sum expended for the management of the Commission was 23,465*l.* He wished to ask if any measure would be introduced this Session for any alteration in the present Commission of Sewers, which expired about the end of the Session. There was a report in circulation, that the Commissioners were about to raise a large sum of money, on the security of rates. He wished to ask, whether it was proposed to introduce any Bill for enlarging and continuing the Commission, and whether the Government had given their sanction to the raising of any such loan?

SIR G. GREY said, that an Act, under which the present Commission of Sewers was constituted, would expire this Session, and it would be necessary to introduce a Bill to revive the Commission. He would not say when that Bill would be brought in, but it must be in the present Session. With regard to the money which was to be borrowed, if the hon. Gentleman would refer to the fifth page of the paper to which he adverted, and which stated the powers given to the Commission to borrow, and the difficulties which they had met with in that respect, he would find that the Government had no right to interfere with those powers which had been given to the Commission by law. The Commission stated that they had found themselves unable to raise the money they required; but he was not aware that they had any intention of raising a loan. With regard to the expenses of the Commission, it was his duty, under the Act, as Secretary of State, to appoint an Auditor, and for the last two years he had done so; and he had received a report from the gentleman he had appointed, which stated that a very careful investigation had confirmed him in an opinion he had formed, that the accounts of the Commission were kept in a clear and satisfactory manner; while the adoption of a plan for contracting for the performance of works, instead of that of the weekly employment of men, was calculated to diminish the uncertainty of the expenditure which existed under the previous practice, and to promote economy.

ECCLESIASTICAL PREFERMENTS.

Sir B. HALL wished to put another question to the right hon. Gentleman with reference to a return with regard to Church preferments which had been presented to the House. On the 30th of May, 1850, the House had ordered a return to be made of the preferments held by archbishops, bishops, and dignitaries of the Church. All the returns which had been made were imperfect; but from the Bishops of Ely, St. David's, and Exeter, the only answer was, "No return made." He wished to ask, whether any communication had been made to those right rev. prelates in pursuance of the Order of the House—whether that communication had been made to them more than once—and whether there was any hope that those right rev. prelates would make any return?

Sir G. GREY said, that the Order for the return had been communicated to all the bishops; and, in cases where no return had been previously received, a letter had been addressed to the right rev. prelates and others on the 29th of July last. Since then returns had been received from all of them except three. On the 6th of August, he (Sir G. Grey) had received a letter from the Bishop of St. David's, expressing his regret at the delay which had occurred, that he had lost no time in desiring his secretary to make the return,

but it was found to be a matter which would occupy much labour and time. He had also received from the Bishop of Exeter, while transmitting to him some other returns, a communication, stating that, from the multitude of returns he had to make, he had been unable to prepare the one required; but at the same time adding, that he thought it was a question whether he ought to make any such return. From the Bishop of Ely he had received no information.

ORANGE ADDRESSES.

Captain ARCHDALL desired to put a question to the right hon. Baronet opposite, the Secretary for the Home Department. It could not have escaped the recollection of the right hon. Gentleman that in the year 1848, when the institutions of this country were thought to be in danger, the Orangemen of Ireland felt it to be their duty to forward for presentation to their Sovereign several loyal addresses, and he held in his hand letters from the Under Secretary, and from the Principal Secretary for the Home Department, acknowledging the receipt of those addresses, stating that they had been laid before Her Majesty, and that they were most graciously received. There was also a loyal and dutiful address from Orange lodges in British America, which were described in the letter of acknowledgment as loyal and dutiful, and which also Her Majesty was stated to have most graciously received. Similar addresses were presented to the Lord Lieutenant of Ireland, the receipt of which was acknowledged by Mr. Corry Connellan, and the addresses were described by him as satisfactory to the Lord Lieutenant; and another letter, signed by Sir T. N. Redington, acknowledged in similar terms addresses of the same character. But in the month of December, last year, when the majesty of the British Crown was insulted by the aggressions of Rome, and when addresses offering to our gracious Sovereign the strongest assurances of loyalty and affection were transmitted to the Home Office, the Secretary for that Department refused to present such addresses to the Queen. The same individual Minister who refused to present addresses from the Orangemen of Ireland in 1850, was quite willing, and did present, such addresses in 1848. He wished to know the grounds on which the right hon. Baronet refused in the one case, and consented in the other?

SIR G. GREY, in reply, said, that there had been three addresses of the kind to which the hon. and gallant Gentleman referred: one was from the grand lodge of the Grand Protestant Association of Loyal Orangemen of Great Britain; it was signed by the Earl of Enniskillen, as grand master; by the deputy grand master, by the grand secretary, and it bore another signature, to which the letters "G. T." were added, probably meaning grand treasurer. Another of these addresses was from the members of the Loyal Orange Institution in Ireland, which was signed on behalf of the Orangemen of Ireland by the Earl of Enniskillen, as grand master. The third was from the Orangemen of Liverpool; but, as that address was returned at the request of the gentleman by whom it was transmitted, he (Sir G. Grey) could not now say how it was signed. Adverting to a resolution of the House of Commons, agreed to on the 24th of February, 1836, which was in these words—

> "That an humble Address be presented to His Majesty, praying that His Majesty will be graciously pleased to take such measures as to His Majesty may seem advisable for the effectual discouragement of Orange lodges, and generally of all political societies, excluding all persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches"—

he thought it not consistent with his duty to lay any such address before Her Majesty. In the year 1848, which the hon. and gallant Gentleman said was a time of danger, there had been two addresses from Orange lodges, one of which was from Canada; that and the other, transmitted in the same year, were presented to Her Majesty, and were graciously received; but if such addresses were presented inadvertently, among many others, the censure attached to him rather for having presented those, than for having refused to present the more recent addresses. One of the addresses was framed with a view to inculpate the Ministers of the Crown; and, as he did not wish to stand between the Sovereign and any complaints of Her people, he felt himself, as regarded that address, placed in rather a delicate situation. With respect to the addresses presented to the Lord Lieutenant of Ireland, he had no information, and he now merely rose to defend and explain his own acts, which were in strict accordance with the resolution of that House.

CAPTAIN ARCHDALL gave notice that he should move for the production of the papers connected with this subject.

AFFAIRS OF CEYLON.

MR. HUME wished to ask a question of the hon. Under Secretary for the Colonies, with regard to Ceylon. It concerned the privileges of this House, because, when he moved that copies of the report and of the evidence taken by the Royal Commissioners at Ceylon should be laid on the table, his hon. Friend told him that there would be no oppesition to his Motion; and he wished now to know if it was possible that this House could have a copy of the evidence that had been taken by the Royal Commissioners?

MR. HAWES had stated the reasons before, and he would state them again, why the evidence which was taken by the Commissioners in Ceylon could not now be presented to the House. In the course of last autumn, the Colonial Office received the report of the Commissioners, together with the evidence taken by them. On Captain Watson demanding that he should be tried by court-martial, it was thought necessary to send to the Horse Guards the report and evidence taken by the Commissioners. The report and evidence were sent out by the military authorities here to the military authorities in Ceylon, to enable them to conduct the prosecution. A duplicate of the Commissioners' report was returned to the Colonial Office by means of which he was enabled to comply with the Order of the House, as far as it related to the report; but no duplicate was taken of the vast mass of evidence, and therefore he could not lay a copy of the evidence upon the table. When his hon. Friend made the Motion, he (Mr. Hawes) was under the belief that a copy had been retained; but he found on inquiry that there had been only one copy, which was given in justice to Captain Watson. As soon as he found that there was no copy in the Colonial Office, he wrote out to the Ceylon Commissioners, directing them to send home a copy immediately.

MR. BAILLIE begged to ask the right hon. the Secretary at War by whose authority the documents were sent to the colony, and whether it was the practice to send away documents without taking a copy?

MR. FOX MAULE said, in the first place the prosecution against Captain Watson did not lie in his department at all; it rested with the Commander-in-Chief of the Army, and the Commander-in-Chief alone. With regard to this particular document, it was not in his department, and he knew nothing about it.

Subject dropped.

SUPPLY—NAVY ESTIMATES.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. W. WILLIAMS said, the Chancellor of the Exchequer had avowed his intention of submitting to the House an amended budget, and he (Mr. Williams) thought they ought not to vote any portion of the public money until they knew what that budget was. It appeared to him that this House had for a long period of time submitted too quietly to receive and vote such estimates as the Government had thought fit to lay before them. That had given great dissatisfaction to the people out of doors, who were anxious to see a very different course pursued. The House would remember that in the year 1848, in consequence of the refusal of an increase to the income tax, large reductions were effected by the Government by the introduction of three distinct budgets on the Navy and Army Estimates. If the Chancellor of the Exchequer should adopt the same course as he did in 1848, he might think it right that the estimates should be reconsidered as in that year; but at all events, he (Mr. Williams) would shortly show, he hoped to the satisfaction of the House, that very large reductions might be effected without any detriment whatever to the public service. He considered that it was of very great importance also that those estimates should be reconsidered, as well as the budget, because, from the demonstration made in that House, the Chancellor of the Exchequer had no security of having the income and property tax retained. To arrive at anything like a correct idea of the amount which ought to be voted, it was necessary to make reference to the number of the force, and the expenditure required for that force in former years. The most eminent statesmen had conducted the public service at a much less expenditure than that which was now proposed. The Duke of Wellington in 1830, Earl Grey in 1834, and Sir Robert Peel in 1885, conducted the public service of the Army, Navy, and Ordnance at a much less cost than the Government proposed for the ensuing year, as would be seen from the following:—

No. of men voted for the Army, Navy, and Ordnance, in	Amount voted and expended for the		Total.
	Effective Force.	Non-effective, Half Pay, and Pensions.	
	£.	£.	£.
1830 138,954	8,491,057	4,803,653	13,294,710
1834 136,332	7,918,593	4,147,464	12,066,057
1835 135,820	7,146,952	4,510,535	11,657,487
1851,2 ...182,284	10,933,981	3,740,717	14,674,701

Thus the present estimates exceeded those for 1830 by 2,444,929*l.*; those for 1834 by 3,015,393*l.*; and those for 1835 by 3,787,034*l.* He wanted to know what circumstances were there which called for such an enormous increase of expenditure? He would like for the First Lord of the Admiralty to point out the necessity this year for the increase of the force which he had pointed out. Perhaps the House was hardly aware of the vast extent of our military establishments. The number of men for the Army and Navy this year was 182,000; deduct from that in India 30,000, and in the Colonies 35,000, making together 65,000, and there remained 116,700 men for the Army and Navy for Great Britain and Ireland. In addition to that there was the Irish police—a well-organised military force, the expense of which ought to be voted as a part of the standing Army—amounting to 12,000 men; the embodied pensioners, a most efficient corps of 15,000 men; the dockyard battalions, 9,000; the yeomanry cavalry, 13,600; and the coast guard and supplementary, 8,000; making a total of 174,500 men for Great Britain and Ireland. In addition to that, even, there was the metropolitan police, 6,000, and the county police, 7,500, together 13,500. The increase of the Army and Navy now, over the last year of the Duke of Wellington's Administration, was 43,000, and in auxiliaries 38,000, making an increase of force paid for by the people of this country of 81,500 men, besides 10,000 in the police force. He begged the attention of the House to this fact; the cost of stores supplied to the dockyards, and of the wages of officers, artificers, and labourers employed therein, from 1816 to the termination of last year, had amounted to fifty-five millions of money. There ought to be something to show for it; but he ventured to say, if everything were valued, it would not reach half the amount. The sum expended in the same years in enlarging and improving the dockyards was 9,500,000*l.*; and the total amount expended on the Navy since the peace was 213 millions, which did not include the munitions of war supplied by the Ordnance. There was great apprehension that when a Tory Government came into power it would be attended with an enormous increased expenditure of money, but he found the reverse was the fact. He hoped some Member of Her Majesty's Government would tell them how it was they required for the Army and Navy such a large excess above that which was sufficient under the Administration of the Duke of Wellington, of Earl Grey, and of Sir Robert Peel. If there was nothing existing in the present state of public affairs which required this enormous expenditure, the House ought to resist; at any rate, they ought to know what changes were to be introduced into the budget before they voted any of the estimates.

MR. HUME wished to ask his right hon. Friend whether it was not high time to give an explanation, or whether he intended, before he asked the House to vote the remainder of the Navy Estimates, to give an explanation of the peculiar circumstances which required such a war establishment as the present?

SIR F. T. BARING said, the question before the House was whether the House should go into a Committee of Supply. As soon as the Speaker should leave the chair, it would be his duty to lay before the House the Navy Estimates.

Amendment proposed—

> "To leave out from the word, 'That' to the end of the Question, in order to add the words 'no Supplies be voted before the amended Budget shall be submitted to this House,' instead thereof."

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

House in Committee; Mr. Bernal in the chair.

SIR F. T. BARING said, that when he had to open the Navy Estimates last year, the first duty he had to perform was to call upon the House to vote a large sum for the excess of expenditure over the votes of former years—somewhat about 211,000*l.* He had stated to the Committee that he considered the course of constantly exceeding the estimates, which had from various circumstances been pursued for several years, was highly objectionable; that that opinion he had expressed on whichever side of the House he sat, and it was the recommendation of a Committee of the House in 1848; that therefore it was his intention to prevent the recurrence of such votes for excess for the future; and that he hoped that that would be the last time the House would (except under extraordinary circumstances) have to vote any sum for excess of expenditure. Gentlemen who had taken the trouble to refer to the statement laid on the table of the naval receipts and expenditure, would have observed that he had not this year called for any vote for excess; on the contrary, the House having given him certain sums to expend, the actual outlay had been 400,000*l.* below the vote given by the House. He was also happy to be able to state, though he could not give the exact figures at the present moment, that there would be a considerable surplus this year in the amount voted over the sum expended. He mentioned this, because it was a subject of deep importance in a constitutional point of view with regard to the finances of the country. It was of the utmost importance that Parliament should know exactly the amount which the expenditure for the year was likely to reach; but if they got into the habit of voting so much, and expending more than they voted, the control which Parliament ought to have over the expenditure of the country would be practically lost. He mentioned it also as it had reference to the present. There were two modes of framing the estimates—one, that of taking them at a reduced amount, with a sanguine view that they would cover the expenditure for the year. That was the mode one would adopt for the purpose of presenting the appearance of a decreased expenditure, and obtaining the reputation of economy. That mode would show a considerable decrease of expenditure at first, but the person who should have to propose the estimates in a few years subsequently would unfortunately have to submit a considerably increased estimate on account of excess of expenditure over the amount voted in the preceding years. There was another course, that of taking a full estimate, leaving a considerable margin, so as to enable the Minister to assure the House that the expenditure would not, except under extraordinary circumstances, exceed the sum voted. That was the course he had thought it his duty to take: but according to that mode the House must remember that the estimate would appear larger than the actual expenditure would probably turn out. And he had framed the present Navy Estimates on the same principle. In the last two years that he had the honour of holding office, the expenditure had been full 700,000*l.* below the amount of the votes given him by the House. He would proceed to give whatever explanations were called for by the several votes. The first vote was that for the number of men. He proposed to take the same number of men as last year, but the actual sum of money was beyond that taken last year. With regard to the number of men required for the service of the year, that was a question on which the Government must exercise an opinion as a Government, and—it was not a mere departmental question or opinion which must be granted—in which they must have full regard to the circumstances of the times. He had always felt that in discussing that question it was difficult to deal with the circumstances which came before the Government, without giving rise to questions of a delicate nature. The question was, what amount of force would be necessary to fix upon for the defence, first, of our colonies and dependencies; and next, for our own shores. He wished, in everything he stated, not to be supposed to look with anything like jealousy at the proceedings of any foreign country. But it was impossible to fix upon what was necessary in their own establishment without looking to the establishments of foreign countries. He might, however, observe that they had had sufficient proof in the course of the last year that a gallant, active, and intelligent people not far from themselves had not by any means neglected their naval establishments and naval power. Those Gentlemen who had been in the course of last summer at Cherburg, and had partaken of the hospitality shown on that occasion to the English visitors, must have come back with the conviction that France did not rest satisfied with the interference of the Peace Congress. The hon. Gentleman the Member for Lambeth had referred to the estimates of 1835. These estimates had been framed for a particular occasion, and were not what the country could generally rely upon. [Mr. W. WILLIAMS: I referred to estimates of 1834.] He would first refer to those of 1835. The number of men voted for that year in this country was 27,000, while in the present year the number voted in France was 25,000 men; and when they compared the different demands which were made in our naval force for the protection of our colonies and our home shores, as compared with the demands made on the force of our neighbours in that respect, it would clearly be inexpedient to reduce our force to 27,000, while France alone voted 25,000. With regard to his estimates, he had got a comparison between the increase of expenditure in this country and in France since 1835,36, and he found that in France the estimate in that year was 2,549,272*l.*, while in 1851 it was 4,284,960*l.*, showing an increase of 1,735,668*l.* They would naturally expect to find an enormous increase in the expenditure for the English Navy since that time. But it should be remembered that at that period the estimates for the packet service were not included in the Navy Estimates. Comparing, however, the Navy Estimates of 1835 and 1836 with the present year, he found that in the year 1835, the naval expenditure was 4,271,674*l.*, and that in 1850 the amount was 5,598,302*l.*, showing an increase only of 1,326,628*l.*; while the increase in France was 1,735,668*l.* It was thus seen that the increase in naval expenditure had been greater amongst their neighbours than amongst themselves. With regard to the actual money-vote, he admitted it was larger than that of last year. That arose from several causes, such as several parties receiving higher pay; in the case of the Arctic expedition double pay had been given; and also from the circumstance of there having been a great tendency to increase the scale of pay from the employment of small vessels. There was another cause—viz., the new arrangements with regard to victualling crews, and the alterations respecting grog. The new arrangements, the carrying out of which had no doubt caused additional expense, had likewise the effect of transferring what was before on the victualling department of the ship to the pay department, and consequently the sum which appeared under the head of "Pay" was larger than in former years. The result of the new arrangement had been to introduce considerable improvements in the system of pay and victualling, both of which were brought nearer to the usage of the merchant service and to foreign service. He thought the change would be of great benefit to the service; and he was happy to inform the House that it had been received in the spirit in which Parliament had effected it—a very friendly and grateful spirit throughout the Navy. As far as the information extended, which he had received from various commanders, he had reason to know that the arrangement had been extremely well received, and he had even been told that the list of minor punishments had been diminished in consequence of its operation. The change, therefore, as far as experience yet went, was satisfactory. In the next two votes, which were for the Admiralty, there was an increase, arising from the gradual increase of clerks' salaries. Although at first there was an apparent increase in that respect, in the end it was an advantage to the service, because a diminution under this head arose from the superannuation of the older clerks. It would be easy, by superannuating half-a-dozen clerks, to reduce the cost of this department; but it would not be a real diminution of expense, for the actual allowances would increase in more than a corresponding degree, and would much more than counterbalance any advantage arising from the decrease in the present vote. Very few had retired during the last year, and that was the simple reason why the Admiralty establishment had become more expensive. The vote No. 4, for the Register and Record Office of Seamen, did not appear in the present estimates, having been transferred to the Board of Trade. This vote would appear in the Miscellaneous Estimates. He now came to vote No. 6, of 134,699*l.*, for Her Majesty's establishments at home—in other words, for the expenses of the dockyards. There was a reduction of 15,000*l.* in this expenditure in the present estimate; and considerable reductions had been going on during the last few years. The number of labourers in factories, &c., including hired workmen, was 13,214 on April 1, 1848; on the 1st of March, 1851, they were 10,862, being a reduction of 2,352 hired labourers in the dockyards. With regard to this part of the expenditure he believed that, unless anything turned up, the Government would be able gradually to make further reductions in these establishments. He had seen calculations which were made on the supposition that the votes 7, 8, 9, 10, and 11, all were connected; he did not agree in this view, but even if it were so, the reduction in the last two years was considerable. The reduction in these items for the year 1851-2 would be, as compared with the year 1848-9, no less than 1,256,271*l.* But the actual expenditure in the latter year was somewhat greater than in the votes, while the estimates of the ensuing year would be wrong upon the other side. The reductions made in the charges for building ships had been reduced upwards of one-third during the last two years. The vote for stores was much lower than it had been for a great number of years. The vote was less by 41,806*l.* than it was last year, and the vote had been getting lower for a number of years. He should not claim any credit if it were effected by leaving the stores incomplete; but he had reason to believe that the stores were as well able to meet the demands of the Navy as they needed to be, and as they had been for a long time. And any reduction which had been effected was real, and would not have to be made up in future years. There was a reduction of 41,450*l.* in the vote for new works. The dead weight, or half-pay, had fallen off by about 28,000*l.* The more ships there were in commission the fewer officers there were upon half-pay; and, on the other hand, if there were few ships in commission the half-pay would be larger. The only fair way of calculating, was to consider all officers entitled to half-pay to be on half-pay; on this calculation, a reduction of 19,059*l.* had taken place in the half-pay, and this reduction was gradually going on. The increase in the vote for the packet service arose from the anxiety of the Government to give the means of additional communication to the public mercantile interest. They had in the course of the year made provision for the Post Office service of the western coast of America and the Brazils, and also with the Cape of Good Hope, by steam-vessels from Plymouth. He could not suppose, that although 45,000*l.* additional was required for the packet service this year, any objection would be made to that on the part of the public. That increased expenditure had taken place for the purposes of commerce, and not for those military services for which the other portions of the votes were appropriated. The net decrease on the naval estimates for the ensuing year, as compared with the past, was 181,093*l.*, which would have been greater but for the additions to the sailors' pay and provisions. If it were not for the increase in consequence of these alterations he might have had a diminution of a quarter of a million compared with last year. He had now had the honour of being connected with the Admiralty for two years, and the Committee would not think he was acting wrongly if he stated the result of his administration. He was anxious to do so, not that he might take the credit of the reductions that had been made, but because it was due to the House and the country to know the real truth, as inaccurate reports had gone forth. He did not look to the amount of estimates in any given year. The real criterion was the actual expenditure. The actual expenditure for the past year could not be given with exactness, because the year would not terminate until the 31st of March; but we were so near that day that he had no doubt he should not be very far wrong. The actual expenditure of 1848–9 was 7,955,000*l.*; the actual expenditure of 1850–51 was 6,362,500*l.*; which was a reduction of 1,592,500*l.* If he deducted for the expenditure which had been transferred 92,500*l.*, a sum larger than the truth, he found that the reduction effected during his two years of office had been 1,500,000*l.* That, he must think, was not a small sum to have reduced in one branch of the public service. He did not wish to compare himself with those who had gone before him at the Admiralty; but as the able and economical Administration of the right hon. Gentleman the Member for Ripon under the Administration of the late Earl Grey, was often referred to in terms of deserved eulogy, he begged to be permitted to compare his administration of two years with that of the right hon. Gentleman, who had acquired a great reputation for his economical administration of expenditure. He would take the whole of the right hon. Baronet's administration. In 1830 the Naval expenditure was 5,768,800*l.*; in 1834–35 the right hon. Gentleman had reduced it to 4,626,800*l.*, so that in the course of four years, during which period the right hon. Gentleman had presided over the Admiralty, he effected a reduction of 1,142,000*l.* He had deducted the charges that had been transferred during his (Sir F. Baring's) two years of office, and he would also deduct a sum of 142,102*l.* for the coast guard, which, if he recollected rightly, was transferred by the right hon. Baronet upon the Customs. During the administration of his right hon. Friend, there was therefore a reduction of 1,000,000*l.* in the Naval expenditure; he would then venture to suggest to hon. Members, when they heard the abuse that was poured on the Admiralty for profligate expenditure, that the present Government had reduced the expenditure 1,500,000*l.*, and that during the two years he had presided over the department the reduction had been greater than had ever before been made in the previous twenty years, and he believed that by a little attention to the money passing through their hands they might be able in future years to reduce the estimates still further. He looked with some degree of doubt at the attempts that he saw recommended in other quarters to reduce very largely and very suddenly the naval force. An attempt of that kind was made a few years ago, and the result was that his right hon. Friend the present Chancellor of the Exchequer, when he was Secretary of the Admiralty, had to defend the course of the Government, as he did in a very able speech, and his defence was, not that they had spent less, but more, than their predecessors for the Navy; for the charge against them then was that they had cut down the Naval force too much. When he (Sir F. Baring) was Chancellor of the Exchequer, the late Sir Robert Peel used to observe that their estimates had increased very much, and held out some expectation of reducing them; but when the right hon. Baronet came into office, although he believed an attempt was made to reduce the Naval estimates, it soon took a turn the other way, and in 1845 they began again the course of a large increase in the expenditure of the Navy. He thought these ups and downs in the finances of the Navy were not politic. He had been exposed to much abuse, and had not gained much reputation; but he believed that those who came after him would find that a considerable reduction of expenditure had been made, and that at the same time the establishments of the country had been kept up in as full and good a state of efficiency as ever. The administration of the Navy had been conducted upon an economical, but not a niggardly, system; and at the same time there had been much improvement in the condition of the common sailor—not a cheap process, but one that was no trifling advantage now, and would, he believed, hereafter be of great service to the Navy. The packet service had also been extended to give accommodation to the commerce of the country; and those lines of steam communication which had been proposed by himself and his right hon. Friend the Chancellor of the Exchequer, many years ago, when they were in different offices, had been increased and extended in the estimates he now submitted to the House. The right hon. Baronet then concluded by moving the first vote.

Motion made, and Question proposed—

> "That 39,000 Men be employed for the Sea Service for the year ending the 31st day of March, 1852, including 11,000 Royal Marines and 2,000 Boys."

Mr. HUME was about to interfere with very little of the address which they had just heard. The point was, whether they were at this time warranted in voting that number of men. When the separate votes came, they would be called upon to vote for the estimates, and that would be the time to consider the different points. He had waited with anxiety to know what reasons the right hon. Baronet could assign for continuing the number of men at the present rate; and the only thing like a reason was, that we must not be indifferent to what passed across the Channel. It was singular, and he did not know whether the right hon. Baronet was aware of the fact, that when a reduction of a number of men was proposed in the French army, it was held that the number should not be reduced too low, because the English kept up so large a number. Thus it was, that there was a circle within a circle—the French kept up a large number of men because the English did it; and the only excuse that could be given for our doing it was, that the French did it. But this was not the usual way in which votes of this kind were dealt with. In the first place, he rather expected when he interrupted his hon. Friend the Member for Lambeth, who spoke before the Speaker left the chair, that they would have from the Chancellor of the Exchequer some explanatory statement of what the country was to expect from the budget before they were called upon to vote these men. They had not yet heard whether it was intended to propose another budget; but of this he was sure (if he might judge from the opinions abroad and at home) that the budget which had been laid before them could never pass that House. He was anxious to have had a statement upon that point, because before the voting of the supplies he had always held that they ought to have the means pointed out to meet them. It was, however, convenient for the Government to adopt another course; in that way they would get the advantage of the House, and those who were really anxious to see the expenditure reduced would be left helpless. He wished his hon. Friend the Member for Lambeth had told them what the United States was doing. The President had stated in his address that they had two millions of tons of commercial shipping capable of being converted to warlike purposes; so that of all places in the world they should look to what America was doing with its navy. They traded over the whole world equally with England; not to so great an amount, but they might do so ere long. If ever England had a rival, that rival would be America, and he was anxious to see how their navy stood. He found that no sooner was the war over in America, than they cut down their establishment. The report of the United States Minister, Mr. Graham, Secretary to the Admiralty, states that the whole establishment of the navy is seven line-of-battle ships, twelve frigates, twenty-one sloops, four brigs, seven steamers, and five store-ships—total, 56; of which thirty-nine only were in commission. On the stocks they had only four line-of-battle ships, and two large frigates. Now from the returns which he (Mr. Hume) had had laid on the table last year, it appeared that this country had seventy-four men-of-war which were never at sea; that they had launched a number equal to the whole navy since the termination of the war, and allowed their vessels to rot in ordinary; being at the expense of building, materials, and keep, and yet they were going on building more, without having been able to employ those which had already been built. The expenses of our dockyards were very great, and about two millions of it was expended in pulling ships to pieces, and building ships to rot and waste. The *personnel* of the navy of the United States was in 1842, 688 captains, 97 commanders, 327 lieutenants, 68 serjeants, &c. The American President, finding that even those numbers were larger than necessary, recommended that the 688 captains should be reduced to 600, the 97 commanders to 80, the 327 lieutenants to 300, and in the inferior departments he recommended proportionate reductions. Now, if a country like America, with a population, according to the last census, of 24,000,000 (increasing at the rate of 1,000,000 every year), with a splendid commerce, and without a debt, was so economical in its naval establishments, how foolish were we, encumbered with an enormous debt, and subject to depressing taxation, to act so extravagantly in maintaining our national defences! It appeared from the evidence of Sir George Cockburn, that we kept up 191 vessels; and for what object? That we might place Cephalonia under blockade! Surely the Government ought to favour the House and the country with some reason for asking for the maintenance of so terrible a force. Why had they a fleet of eight or ten sail of the line in the Mediterranean, the only service which it had performed being the attack upon Greece? They should not allow the vote to pass without having some reason for it. He saw that on the 3rd of March there were 1,642 petitions, with 136,696 signatures, presented to the House for reductions in taxation, and yet, in the face of that, there was a proposition for this number of men, and the expenditure must be in proportion. The right hon. Gentleman the First Lord of the Admiralty, claimed credit for a great reduction, but he should have remembered that the right hon. Baronet opposite, the Member for Ripon, made his reduction of one million out of five millions; whereas the right hon. Gentleman had made his out of nearly eight millions; and he should also remember that all that increase to eight millions was laid on by himself—or at least by his Government. Earl Grey's Government was reducing and improving every year, and that Government certainly deserved great credit for the economy and improved efficiency of the Navy. He had no quarrel to pick with that until 1837 and 1838; at that period the charges were extravagant, and the waste enormous. The excess of expenditure after the levying of the income tax was also enormous; the estimates increased to 27,000,000*l.*, while the entire produce of the income tax amounted to 26,894,000*l.*; so that if they had not had the income tax to throw away, they would not have so increased the establishments. He had been ready to give Sir Robert Peel the margin he wished for, but he was only saying that if the income tax had not been continued, and if the Government had not been left with so much money in its hands, the enormous increase in the establishments in 1848 and 1849, from what they were in 1833-4-5, would never have taken place. Sir Robert Peel, certainly, devoted 1,000,000 for a steam navy; but, unfortunately, the Admiralty did not know how to use money, and one vessel was laid down before another was built, and when finished the vessels were inefficient. In 1835, 1836, and succeeding year, the average number of men borne on the Navy estimates was 29,638; and if that number was sufficient to carry on the services of the country triumphantly, then would any man say it was not amply sufficient now? Therefore, unless he had an answer, he should submit to the House a resolution for bringing down the number of men to 30,000, the average of the years he had named. He had cherished the hope that something would have been done in reducing the African squadron this year. What was the state of things when the right hon. Baronet the Member for Ripon was in office? Why, there were 14 vessels at the Cape of Good Hope, and on that station. But in 1845 the number of men was increased to 40,000, and what did we find? That there were 28 ships of war on the coast of Africa and the Cape of Good Hope; and in 1848, the number of men being increased to 43,000, they found that there were no less than 37 vessels where there was formerly only 14. Surely the time was come, after a 20 years' trial, for abandoning a foolish and abortive blockade that endangered our friendly relations with other Powers. The French Government had directed its Minister to open a correspondence with our Government to know if France could not be released from her engagements with regard to the African blockade; and the United States were doing the same. Here, then, were two countries that we had persuaded to join us very much against their will, because we endeavoured to bolster up our own folly by dragging them along with us; and let not the noble Lord the Foreign Secretary of State tell them any more that our treaties with other Powers prevented the withdrawal of the blockade squadron, for that difficulty was now removed. He (Mr. Hume) should test the House that evening, because with the reduction of that squadron, and the reduction to an adequate amount of the Mediterranean squadron, which was ready there to do mischief instead of good, 30,000 men would be found amply sufficient for every necessary purpose, instead of the proposed vote of 39,000. He would ask the 270 country Gentlemen (only about 14 or 15 of whom he now saw in their places) who voted for the Motion of the hon. Member for Buckinghamshire for the relief of agricultural distress—he would ask these Gentlemen, who complained that the House was indifferent to that distress, whether they meant to be honest? Because if taxation was to be reduced, it was only to be reduced by cutting down the enormous establishments of the country. In 1835, of all classes of ships in commission we had 167, and 26,500 men, and the Navy was never in a better condition; but in 1845, when the men were increased to 40,000, we had 234 ships; and in 1848, without a single reason to call for it, a further increase raised the number of men actually borne on the estimates to 44,500, and the number of ships was 256, showing themselves all over the world. Was that a state of things to be suffered, with the people of England at this time in distress? He said in distress, because, though wages might be good and bread cheap, he remembered having seen strange things in his time. It was very true that just now the manufacturing and artisan classes were tolerably well off, and provisions cheap; but he had seen three or four reversals of such prosperity in his time, and it was not at all impossible that he might live to see another—such, for example, as that of 1843; and he should like to know what would the country then say to the representatives who had permitted the present expenditure to proceed? As to representatives, indeed, there could not be a greater reflection upon our representation than the manner in which the House had allowed the country to go on for several weeks past without a Government, letting the people of England be bandied about between three sets of men, no one of which could form a decent Administration. Lord Stanley had failed to form an Administration, and, he must say, had not paid a very great compliment to hon. Gentlemen opposite in telling them that out of the whole 270 there was only one of them that was fit for office. But why could no one be found to take the places of the noble Lord and his Colleagues? Was it not because the House of Commons—the taxing organ of the country—was not properly organised in its materials, and because the Government was not carried on in accordance with the wishes of the people? He warned the noble Lord—that was a point that ought to be carefully seen into. But why, he repeated, out of 270 of the "country party" could they not find fifteen or sixteen Gentlemen capable of filling the Treasury benches, more particularly when they knew that all the clerks, who did the real work in the offices, remained stationary in any case, and only nominal heads were wanted. He admitted that there ought to be a head with the Chancellor of the Exchequer. *Punch* represented a certain person going for "the Old Doctor;" and when he first heard of the Duke of Wellington being sent for, he felt convinced that the result of it all would be, "As you were." Why, in 1840 all the improvements proposed for the Army were stopped by that illustrious personage; and every improvement, whether with regard to pilots, lighthouses, or any other matter, was sure to be stopped by him. He was surprised, then, that Her Majesty had sent for such an individual. [An Hon. Member: You were not sent for.] Her Majesty had not been advised to send for him (Mr. Hume). He had paid attention to events for the last thirty years, and he thought he could have prescribed for the country much better than the other old doctor had done. The country looked upon them as a set of dolts, and they were the laughingstock of Europe, because they could not find men of one class capable to carry on the Government as well as men of another. Taking the matter at the worst, here was a question brought forward—no matter how—called the Papal Aggression. That was the point at issue; and no one regretted its introduction more than he did, because he felt that if the measure were passed, it would be impossible to carry on the affairs of the country without almost a civil war in the sister island, the people of which he was so anxious to see conciliated. He had been told that he was not present at the division; but about 350 hon. Gentlemen—an overwhelming majority—voted for the introduction of the Bill with the clauses in it which he considered very oppressive. Now his whole life had been devoted rather to remove than to impose restrictions; and he should rather resign his seat with pleasure than do anything to subvert religious freedom or equality. But what was our present situation? He would counsel the noble Lord to take courage in his situation, and do either one thing or another—either bring in a Bill that would satisfy the country, or throw up the question altogether. At all events, let not the time of the House be wasted, and the business of the country be brought to a stand-still. They might go on in this way throwing away the best part of the Session for three weeks longer, aye, and for more than that, and yet nothing would be done. Much as he deplored the revival of the "No-Popery" cry, he said, as a country with representative institutions, the Government ought to have had recourse to a general election, and let the voice of the country determine the issue. He wished to show the world that a representative government could be worked, and need not be brought to a dead-lock. And of what use was it now to give a vote one way or the other? If they rejected this vote of 39,000 men, what would be the consequence? The Government would probably say, "We can't carry on, and we won't carry on, the administration." The House said, "You must and you can carry it on—nobody else will do the work." He wished to address himself to the country Gentlemen opposite. Within a few days a Potectionist meeting was held in his own county (Norfolk), and he regretted to find that the speakers at such meetings were cheered and encouraged by men of high rank and of the first talent in the country, while one Gentleman accused the Parliamentary reformers in that House with wishing to dethrone the Queen, and to promote rebellion and revolution. He must say, that such violent and calumnious language no nobleman of high character ought to suffer to pass uncensured. It was stated at these meetings that they would never be satisfied until Protection was brought back. Now, he had made an estimate on this subject. and taking the consumption of wheat at 70,000,000 quarters, at 60*s*., that amount would have produced 210,000,000*s*. for the owners and occupiers of land. The same quantity at 50*s*. would realise 170,000,000*l*., leaving the difference of 40,000,000*l*. to be spread, not among the agricultural districts simply, but all over the country. At 40*s*. per quarter, which was rather above the present price, it would realise 140,000,000*l*., showing that 70,000,000*l*. on the sale of corn formerly went into the pockets of the farmers and landowners, which, under the present reduced prices, was withheld. He did not complain of this, although his own income was dependent on agriculture, because it was only an act of justice that their fellow-subjects, who had so long been heavily taxed on their bread, should be relieved from so oppressive a burden. Bnt what he wished to show was, that if this 70,000,000*l*. sterling was taken upon the price of corn alone, the additional loss by the reduction in the price of stock and in the value of farm produce of all kinds, would increase the 70,000,000*l*. to 100,000,000*l*. sterling, the amount which had been estimated by his hon. Friend the Member for Glasgow as the sum to be saved to the country by free trade in corn. The hon. Member for Buckinghamshire had twitted his hon. Friend with "what has become of that 100,000,000*l*. a year?" He (Mr. Hume) answered, that neither the owners nor the occupiers of land pocketed it, but it was spread over the whole mass of the community, and the reduction in prices had made the mass of the people comparatively comfortable. If, therefore, corn was at 38*s*., as it had been for the last few months, it showed a saving to the people at the rate of 77,000,000*l*. sterling annually. Now, he admitted that the country generally, and the agriculturists particularly, wanted relief; and how was it to be obtained? Let the fourteen hon. Gentlemen opposite join him in passing his budget. He should undertake to reduce the establishments of the country without impairing any of their efficiency, and give them a margin of 10,000,000*l*. to deal with. The Chancellor of the Exchequer estimated the next year's expenditure at 50,247,000*l*. Now, he (Mr. Hume) proposed that instead of 19,500,000*l*. for the Army, Navy, and Ordnance, and Miscellaneous items, they should come back to the standard of 1834 or 1835, namely, to from 12,000,000*l*. to 14,000,000*l*. That would give a margin of about 5,500,000 to begin with. The Chancellor of the Exchequer's surplus was 2,500,000*l*. He was reminded of the 28,000,000*l*. interest of the debt. Faith must be kept with the public creditor; yet, by proper economy and retrenchment, means could be found to pay their debts honestly, and put them in the course of liquidation without much difficulty. Next, as to the civil list, and that he was told he should not deal with. Now, he did not wish to reduce one farthing of what Her Majesty received; indeed, he honestly said he only thought Her Majesty at present, receiving only 60,000*l*. out of 385,000*l*., was allowed too little, the greater part of the allowance being frittered away upon gorgeous liveries and useless parade. Why should an ambassador have a gaudy coat, that cost 100*l*. covered with gold lace. Then there were the forty-five lords and ladies in waiting, the slips of the aristocracy, who attended on great days, or took a tour once a month or twice a quarter, and received their pay regularly. The Crown revenues, worth about 2,700,000*l*. a year, were taken up to the extent of more than 1,600,000*l.* for expenses. Let them sell the property, and it would form a fund to pay the civil list. Let the Lord Chamberlain's, the Lord Steward's, and the Master of the Horse's expensive establishments be kept within proper bounds; and he called upon the Committee not to sanction a return to the folly of George IV., who put these people all in livery, dressed them like trumpeters, and was not content till he cut out their coats himself. The assessed taxes fell heavy on the country gentlemen, and they ought to be reduced, first, to afford them relief, and then to promote the employment of the people. He would provide 396,000*l.* from the Crown revenues to begin with; and why should they not sell the Crown lands with as little difficulty as they were selling landed estates in Ireland? Then there were the expenses of the courts of justice, diplomatic pensions, salaries, and allowances; and they could see if the item of 2,864,000*l.* for these branches was not capable, as he thought it was capable, of a reduction of at least 800,000*l.*, not by reducing the salaries of those who worked, but by removing those who did not work. Then the collection of the revenue cost between 3,000,000*l.* and 4,000,000*l.*, and half of that amount, at least, ought to be saved. In the Customs department, ten or twelve Commissioners were employed to do the work of two; and as to the Excise Commissioners, they had been much reduced, and the gentleman at the head of that department he could entrust with the additional duty of collecting the revenue of the Customs, and give him a single assistant, and he (Mr. Hume) ventured to say they would hear of no complaint from the trading community as to the management of the Customs. That House had not been fairly dealt with by the Government. It had twice passed a resolution that the whole of the revenue of the country should be brought to account; yet about 7,000,000*l.* a year never came into the Exchequer, or came under the control of the House. Out of that 7,000,000*l.* he reckoned that 1,000,000*l.* might be easily saved. In 1821 he recollected bringing forward the case of certain collectors of assessed taxes, showing that they had been going on collecting from the public money which was never accounted for; and in the city of London a sum of 220,000*l.* was found to be lying in the hands of the collectors, which would never have been heard of if he (Mr. Hume) had not detected the circumstance. The complex manner in which many portions of the revenue was at present collected would admit of large and important reductions, and afford consequent alleviations of the burdens of the people. He held in his hand a return which it would be well for hon. Gentlemen opposite to look to a little. It was called for by Lord Seymour, and it showed that the actual cost of all her colonies to Great Britain was 2,928,000*l.* And that was the expense of our colonies at a time when they were demanding self-government, and to be permitted to bear their own expenses. And there was hardly a single colony in which dissatisfaction—he would not say disaffection — did not exist in consequence of our refusing them the privileges they demanded. There was another item of importance. The Miscellaneous Estimates amounted to more than 3,000,000*l.*, and it was impossible to deny that, with care and attention, we could not save an important part of that sum. The Resolution which he had to propose, was to the following effect:—

"That in accordance with the prayers of numerous petitions for relief from the burden of taxation, and with the view of affording relief to the distress now existing amongst the owners and occupiers of land, it is the duty of this House, before voting any sum on account of the Army and Navy estimates, to take into its serious consideration in what manner and to what extent, the number of ships can be reduced; and with reference to the squadron on the coast of Africa, for the suppression of the slave trade, it is the opinion of this House that it should be entirely dispensed with, as being altogether useless, and occasioning in its support an unavoidable and heavy expenditure. With regard to the Navy estimates, the average number of seamen and marines from the year 1835 to the year 1839 having been under 30,000, and this House not being aware of any reason for an augmentation of the number, considers the vote now proposed excessive in amount."

The CHAIRMAN informed the hon. Member that his Motion could not be put, as it pledged the House to a certain resolution which it was not competent to propose in Committee. The Committee could only adopt, reject, or limit the Vote.

MR. HUME said he would then propose to reduce the Vote to a number not exceeding 30,000 men.

Motion made, and Question put—

"That 30,000 Men be employed for the Sea Service for the year ending the 31st day of March 1852, including 11,000 Royal Marines and 2,009 Boys."

MR. MACGREGOR said, he believed every Member of that House ought to have a difficulty in coming to a vote on a question of expenditure without being acquainted with the means of meeting that expenditure. With regard to the statement of the right hon. Baronet the First Lord of the Admiralty, he (Mr. Macgregor) would certainly bear testimony to the great care and prudence which had been exercised in respect to the naval estimates and the naval dockyards. He (Mr. Macgregor) gave the right hon. Baronet full credit for his zealous exertions in reducing the naval expenditure. But he believed the entire system was faulty from the beginning to the end; and especially as to the dockyards, he thought that the 2,012,107*l.* which had been spent on them might be reduced at least one-third of that amount. And yet with all the expense the naval docks could not be in a more deficient state of management than they were at present. No private company could, without ruin, send ships to sea on the same system as that by which our naval docks was regulated. With respect to the actual number of ships of war, he found that we had a greater numner of ships of the line, and with larger tonnage, than the whole number and tonnage of every State in Europe. And when it was said that so large a marine force was necessary for the protection of our commercial navy, he believed that our commercial fleet could protect itself if there were not a single ship of the line belonging to the country. He contended that there were mercantile firms which had ships able to defend themselves against any enemies. He knew of one firm that owned twenty splendid ships sailing from London to India, which had a larger tonnage—about 22,000 tons—than the whole of the Danish fleet. There was—besides several other large shipowners—one firm on the Clyde, the tonnage of whose ships was greater than that of the whole American navy. Our mercantile fleet, if armed, could alone terrify every other navy in the world, except, perhaps, that of France. France had 40 ships of the line, and we had more than double that number. The whole navy of France amounted to 220 sailing vessels and 102 steamers, making a total of 322 ships. With regard to her naval officers, France had two admirals, 10 vice-admirals, 20 rear-admirals, 100 post captains, or commanders of ships, and 230 captains of the second class who commanded frigates, 650 lieutenants of marine, 550 midshipmen, and 300 subordinate officers, making a total of 1,862 officers. The maximum number of men was by ordinance fixed at 27,000, or 25,600 seamen and marines, and 1,400 engaged on land service. What have we in actual service? 12 admirals, 7 commodores, 58 captains, 82 commanders, and 381 lieutenants, receiving in all 101,482*l.*; while we have, not in service, no less than 140 admirals, 399 captains, 669 commanders, 1,390 lieutenants, 236 masters, and 670 chaplains, pursers, surgeons, &c., or, in all, 3,504 admirals, captains, and other officers, receiving 506,711*l.* for doing nothing. I do not blame them, for I believe they would all rather be afloat in commission. But this is not all we have—1,029 major-generals, colonels, and other officers of marine, receiving about 140,000*l.* for doing nothing; and in addition, 80 retired admirals, and 94 captains receiving 69,532*l.* During the seven years from 1832 to 1838 inclusive, the average amount of our naval expenditure was 4,474,747*l.* In 1839 it increased about 1,000,000*l.* above the expenditure of 1838. In 1842 it increased above the average of the same seven years no less than 2,165,416*l.*, and it continued increasing until in 1848 it amounted to 8,157,287*l.* He must give the right hon. Gentleman at present at the head of the Admiralty credit for great reductions since that time. The estimate for the year ending April 5th, 1851, deducting 58,928*l.* for the Arctic Expedition, and 9,772*l.* for registering seamen, amounted to 5,839,652*l.* The estimate now before the Committee was 5,727,259*l.*, being a net decrease of 112,395*l.* But still there was an excess over the seven years from 1832 to 1838, inclusive, of 1,252,512*l.* That excess might be accounted for in part by the additional expense of the steam ships-of-war; but he (Mr. Macgregor) was of opinion that nearly all those steam ships would turn out to be utterly useless. He believed that the progress in improvement and power of steam-ship building was proceeding so rapidly that not ten out of the whole of the present steam fleet would in 1860 be found efficient vessels. That was not his own opinion merely, but it was founded on the opinion of the first steam-ship builders in this country. He should be the last to vote for any other than an efficient navy; it should always be of sufficient strength for purposes of defence, but not for purposes of aggression. Now, unless we had the fleets of the whole of Europe combined to attack us, our present fleet was much more than sufficient for all needful defence; but, believing that there was an impossibility of any such attack taking place, he did not see why we should keep up a force equal to that of the whole of the Powers of Europe together. His constituents, who amounted to about 400,000 persons, felt themselves pressed with the window tax and other burdens, and they were perpetually demanding relief. He should not be doing his duty to them, or to the other taxpaying subjects of Her Majesty, if he did not express his opinion that the estimates of the present year were much higher than they ought to be, and might be reduced to 5,000,000*l.*, or even below that amount. He thought that there had been much mismanagement in connexion with the dockyards. The dockyard at Deptford ought, he believed, to be abolished, because the great increase of steam vessels in the Thames had made its navigation so difficult and dangerous that they must afford more room for colliers and other shipping of that description elsewhere; and there was no other place where room could be provided for them except in the space now occupied by Deptford dockyard. That change could be made with the greatest advantage to the public service. Let them also abolish the dockyard at Chatham. The dockyard at Pembroke had been most scandalously managed, not under the present First Lord, and the expenses there had been one-third more than they should have been. It was at a distance, and abuses were therefore less likely to be noticed; but the facts which he could point out in reference to Pembroke dockyard, for many years, were such as would astonish the world. With respect to Chatham, he said they had no occasion to maintain that as a building establishment. At the three dockyards of Portsmouth, Woolwich, and Devonport, there had been most extraordinary mismanagement, arising from the ignorance displayed in connexion with the docks and shipping. He could tell the Lords of the Admiralty that the ships built at those docks were often rendered inefficient, because they interfered with the form and models; but if they would allow the ships to be built according to proper designs, they would find ships of the Royal Navy might then go to sea like those of private firms, and would be efficient for all purposes. With regard to another port at the mouth of the Thames, he did not think they ought to keep Sheerness as a building yard, but retain it merely for the purpose of repairing, and refitting, and nothing else. If, then, they could abolish the ill-managed docks at Deptford, Pembroke, and Chatham, they could make great reductions in the naval expenditure, while they could also maintain a formidable Navy. He believed that the country would soon begin to look thoroughly into the naval expenditure, and while it would support the Government in maintaining an efficient Navy, it would not consent to have one of extravagant magnitude, and of bad management. The difficulty he experienced in agreeing to the vote of 39,000 men was this: would the House pass the income tax in its present shape, or in any shape at all? He was not certain that it would, and that being the case, and financial affairs generally being involved in such difficulties and confusion, he could not vote away money until he knew where it was to come from. The national obligations must be paid at all hazards, and he would rather undergo any difficulties than not pay the 28,000,000*l.* annually necessary for that purpose. But it was by a diminution of expenses that he looked forward to a reduction of taxation. Various interests might clamour for themselves, and for his part he wished to see the taxes on malt and tea reduced; but he could not hold out to the people of this country the hope of a single shilling's reduction in either of those taxes unless there was a great diminution in the expenditure. He thought they should not vote for 39,000 men; he saw no necessity for keeping up so formidable a force, and he believed they might very safely reduce the amount to about midway between what it was when the right hon. Baronet the Member for Ripon was First Lord of the Admiralty and the number at present proposed. Next year they might make a still further reduction. The time was come when they must seriously examine the whole of their finances. In the present state of progress, with steam presses, steam railroads, and steam ships, and the consequently increased intercourse with all parts of the world, they could not go on much longer without taking a comprehensive view of our whole system of taxation. It was with such a conviction on his mind that he found himself unable to vote for so large a number as 39,000 men for the naval service. He came to this conclusion with great reluctance, and not from any desire to offer a factious opposition to the First Lord of the Admiralty or any other Member of the Government; but, in acting as he was about to do, he felt he was only doing his duty to his constituents, and to all Her Majesty's taxpaying subjects.

Mr. COBDEN said, the question before the Committee was, the vote of a sum of money equal to the income tax, to the malt tax, or to the whole of the assessed taxes, with the addition of the soap and paper duties. For it could not be concealed for a moment that, if they voted the number of men, it was quite in vain to think afterwards of reducing materially the vote of money in the Navy. He was convinced, from three years' experience in Committees on Navy, Army, and Ordnance estimates, that it was a delusion to think of effecting any considerable saving in the expenditure of the Navy, unless they could reduce the amount of the forces. Going back to 1835, and looking at all the reductions ever effected, they would see that the number of men voted had been generally a fair test and index of the amount of money spent. There might be exceptions, arising from large occasional outlays. This test applied to the reductions made by the right hon. Baronet the Member for Ripon, when he exercised his most useful sway at the Admiralty from 1830 to 1834, for while he effected a reduction in the expenditure from 5,687,000*l.* to 4,726,000*l.*, the reduction in the number of men was from 32,000 to 26,000, being nearly as great a per centage as that of the money. It was not difficult to assign a reason for this. In dealing with the Navy, they were dealing with the largest manufacturing concern in the kingdom, or perhaps in the world. It was a large manufactory of shipping, employing upwards of 10,000 persons, the greatest proportion of whom were skilled artisans—the most extensive business in England, or probably in the world, taken as an individual concern employing labour. It was a maxim which nobody would dispute, that the worst of all manufacturers was a government. Whether a government undertook to build ships, to manage woods and forests, or to establish national workshops, it was a well-understood maxim, that a government would do all those things worse than an individual would do. Hence, it was easy to see the reason why in building ships, a government necessarily wasted a great deal of money. There was a constant outcry against the profligate and wasteful expenditure in the dockyards; and people jumped to the conclusion that it might be cured by looking into it. A Committee had been engaged in doing this a whole Session. They had finished their inquiry more than two years since; and, if any good was to result from it in the management of the dockyards, they ought to have had the benefit of it now. Yet the outcry against the profligate expenditure was as great as ever; nor would he pretend that anything done in that Committee was likely to lead to a considerable change in the mode of conducting business in the dockyards. Every person they examined protested that everything was done under their charge better than private individuals could do it—whether they were superintendents of shipbuilding, boilermakers, or manufacturers of gunpowder. They were likely to entertain that opinion, because they were never brought to those means of conviction, which showed private individuals that they were making mistakes. In the dockyards there was no annual stock-taking, no balance-sheet, no individual capitalists to be ruined. The Admiralty came to that House for two or more millions when they wanted it; and this country was not likely to be ruined very easily, or it would have been ruined long ago. Having a long purse to pull at, and not being involved in the consequences of their own blunders, they went on at the dockyards making the same mistakes they had done ten years ago; and it was his firm conviction that, as long as Government continued to make ships and boilers, and to carry on this great manufacturing business, they would have the same per centage of waste they had had before, and which was now going on. He therefore always looked to the force employed, and inquired if by any means a reduction could be made in that force. If they could reduce 10,000 men, they would reduce the amount of money in the same proportion, and also the same per centage of waste, or rather they would reduce the waste more, for small establishments were managed with a less per centage of waste than large ones, inasmuch as they required fewer superintendents. At present our dockyards were political institutions from beginning to end. There was not an individual connected with the Admiralty, from the First Lord down to the humblest labourer or shipwright, who did not become a political instrument in the hands of somebody or other. Either he was looking to the Secretary of the Admiralty for advancement, or somebody else was watching over his interest because he had political influence in the borough. There was not an individual in the employ who was not trying to cultivate this secondary influence; consequently the superintendents had not the power of managing as they ought; and, generally speaking, the parties engaged, down to the lowest shipwright, were independent of the men who ought to have the power of disposing of them, and dispensing with their services. He, therefore, looked to other means of reducing the expenditure, and asked if it was necessary to keep up the number of 39,000 men? In 1835 they had 25,000; why keep up 14,000 more now? This was no Motion of the Peace Society for the abolition of our Navy; but he wanted to know why 25,000 men would not suffice as well for the Navy now as in 1835? Were any circumstances alleged to show that the country was in greater political or national danger than in 1835? There were then some grave international questions unsettled; there was a serious boundary question with the United States; a dispute with Russia involving a threatened war; and there were diplomatic quarrels looming with France, respecting the affairs of Tahiti and Syria. All those were now disposed of; there were no boundary questions—nothing which could excite hostilities from any quarter. Where, then, was the necessity for keeping up this amount of force? He knew but two reasons why we should keep a Navy at all—because we were a maritime people and had shipping, and because we had coasts to defend from some enemy. We did not keep them to go and commit depredations on other people; the object was to protect commerce and to protect our shores. He believed that a great deal of exaggeration prevailed as to the occasion for the Navy to be employed in defence of our commerce. Generally speaking, where we had trade we had international treaties, ambassadors, consuls, and so on. It was a remark constantly made in the newspapers of the United States of America, that they never saw one of our ships on their coast; and in the larger portion of the continent of Europe they had ambassadors and consuls to rectify any mistakes that might occur. In the ordinary state of things, therefore, there was no necessity for keeping up a large number of ships of war. He did not say that a class of small ships were not necessary as a kind of police in time of peace. In this respect they would do well to imitate the example of the United States of America. The Government of the United States did not keep up any fleet except for commercial purposes. They had no line-of-battle ships at sea, or even in commission. The only one they had at sea was withdrawn about twelve months ago from the Pacific. They had only one vessel of 54 guns employed; the majority of their vessels were from 10 to 15 guns, which they used as a police force in time of peace. He was ready to admit that England had political relations which the United States of America had not. But even in that point of view our policy was objectionable. To what country did they usually look for a justification of the large armaments they kept up? The right hon. Gentleman the First Lord of the Admiralty invoked the example of France as a precedent for keeping up a large Navy. But was it not singular that in the bureau on the French Navy our example was quoted as a justification for keeping up a large war Navy in France. The following extract from the *Ordre*, of February 19, would show that what he had stated was correct:—

> "The naval returns of England, published at the commencement of 1851, contain the names of four ships of the line, and six frigates provided with screw apparatus of from 350 to 450 horse-power. It mentions, besides, that three new ships of the line, of 80 guns, with screw power, are on the stocks—namely, the *Agamemnon*, the *Sanspareil*, and the *James Watt*. In fine, the English journals announce the approaching launch of the *Agamemnon* at Woolwich, and of the *Sanspareil* at Plymouth, and the immediate commencement of a fourth vessel on the spot which the *Sanspareil* thus leaves vacant. The Committee of Naval Inquiry has been, we are informed, much occupied with such a state of things, to which unexpected events might assign extreme gravity."

If this was an accurate statement, the example of this country stimulated the increase of naval armaments in France. If it was inaccurate, why did they so frequently quote the example of France? Statements had been made in the course of that debate as to the preparations going on in Cherbourg. Now he would quote an extract from the *Times* Paris correspondent, under the date of the 6th of March:—

> "The bureaux were yesterday occupied with the Bill for granting to the Government a credit of 6,800,000 francs for the continuance of the works for the defence of the port and roadstead of Cherbourg. Numerous objections to the measure were raised, particularly on account of the form in which the Bill has been submitted to the Assembly. Some Members were in favour of postponing the Bill until the finances of the country should be in a more prosperous state. Messrs. Maissiat and Collas, members of the naval com-

mission, warmly defended the Bill, and, in support of the necessity of the works proposed, alluded to those which the English were now carrying on, and which were at a distance of little more than five leagues from the coast of France. Admiral Cecille pointed out the immense advantage which it would be to the Navy to place Cherbourg beyond the danger of an attack from the enemy. He was of opinion, however, that the land defences might safely delayed until a more favourable moment, as by means of railways troops could be readily sent for the defence of the town in case of need."

He might also read extracts from the speeches of M. Thiers and M. Lamartine to show that they measured their own navy by the standard of England. They were satisfied with keeping up two-thirds of our force; but if we went on to augment our Navy, they must keep theirs in a relative position. And when they quoted the example of France, let them see what the effect of these large armaments was upon the finances of France. Why, that the finances of that country, whilst they were strengthening their navy at a frightful cost, were in a state of confusion that the wisest and ablest men of the country saw no possibility of escape from the financial difficulty. Was it not possible, when they saw France building ships of war at such a frightful cost, because we did so, and when we built ships of war because France did so, that some arrangement might be made between the two countries by which this supreme folly, this child's play of beggar-my-neighbour, could be done away with. He should ask the approval of the House to a Motion which he would submit to it, for the purpose of directing that negotiations be entered into between the Governments of the two countries with the view of preventing these rivalries of force between the two countries, and proposing a mutual reduction. England was in a position to make the first advance without the possibility of her motives being misinterpreted—because the superiority of her naval power was acknowledged. A proposition that would prevent two civilised nations who were professing amity with each other from arming themselves to the teeth and preparing for battle like savages or wild beasts, was worthy of the serious consideration of the House; and if the House applied itself with sincerity to the task, it might effect the greatest benefit on the civilised world by accomplishing so humane and beneficial an object as the reduction of these armaments. Let it not be forgotten that they were now voting a sum of 5,700,000*l*. But that was not all, for though they separated the

packet service from the Navy, he regarded the 800,000*l*. on account of that service as coming under the denomination of the naval service, because the vessels engaged in the packet service were in reality most formidable war steamers. Cunard's ships were capable of carrying the heaviest guns, and there were not such formidable boats in the Royal service. He therefore considered that what they were now virtually voting was not 5,700,000*l*., but 6,500,000*l*., which the Chancellor of the Exchequer stated as the cost of the Navy. There was but 19,500,000*l*. which came before the House to be voted, and of that sum, 15,500,000*l*. was for the Army, Navy, and Ordnance. Now, they were asked to vote more than a quarter of the whole sum; and if they voted this without any scrutiny, without any reduction whatever, how was it possible for them, with any consistency, to vote for a reduction of the taxation of the country? Unless they reduced the expenditure they could not reduce the taxation. Hon. Gentlemen who sought to transfer the burden from one set of shoulders to another set of shoulders, would fail in accomplishing that object. There were no persons in the country who would bear more taxation, and to try and relieve it by throwing it on the shoulders of somebody else was quite idle. The only way to do it was by reducing the expenditure—by reducing the number of men to 30,000, which in 1835 was only 25,000; and it it was with that view and that conviction that he supported the Motion of his hon. Friend the Member for Montrose.

Lord J. RUSSELL said: I will only enter into the question of the number of men for the Navy, and not into the grave charges which have been made with respect to the management of the dockyards and other places—matters which belong more properly to the department of the Admiralty. Still less, Sir, am I disposed to go over the vast field travelled by the hon. Member for Montrose, who not having been sent for on a late occasion, has, notwithstanding, followed the example of Lord Stanley, and explained what his policy would have been had he been sent for; and what measures, had he taken office, he would have proposed in the capacity of the head of the Government. I shall not follow the hon. Gentleman into that very extensive field. I shall speak merely of that which is the most important subject before the House, the number of men we should vote for the Navy, and I will not disagree with the hon. Member for the West Riding, that the sum total of our naval expenditure is very much decided by the number of men voted. I cannot at the same time admit, with the hon. Gentleman the Member for the West Riding, that because there is an outcry now against the wastefulness in the dockyards, and because there is an outcry now against the political patronage, which he says affects every person who is employed in the dockyards, that, therefore, we are to presume that those accusations are well founded. On the contrary, I believe that a great deal of wastefulness and abuse has been corrected for many years past; and I believe that with regard to patronage, great improvements have been made of late years in the mode of these appointments. As for the outcry on these subjects, we know that long after an abuse has ceased, the same outcry will continue, because many years ago, when there were a great number of sinecures, great complaints were made on that subject, and an Act of Parliament was passed whereby the whole of the sinecures were abolished, and yet there is as much outcry now nearly as at that time, and we have continued complaints now of the existence of a great number of sinecures. Now, with respect to the number of men, I beg the House to consider that what we are now proposing is not a number increased beyond the average which we have now kept up for about ten years. In 1841 the number of men voted was 43,000; and so on for the succeeding years, 43,000, 39,000, 46,000, 40,000, 41,000, 42,000, 40,000, 39,000, 39,000. Those have been the numbers in past years. Therefore we are not proposing, as the House might suppose from the statement of the hon. Member, at this time a very large increase in the number of our Navy; but I do think that there are some general considerations which should induce the House not to make any considerable reduction in the numbers of that amount. I cannot but consider that of late years, and since that period when my right hon. Friend the Member for Ripon was at the head of the Admiralty, there has taken place a very great change in naval affairs, and one which must make a very great change in any war in which this country may in future be involved. Since that time the whole of the construction of large war steamers has taken place both in this country and in France, and by other naval Powers, and we have seen of late years—not having been engaged in those wars ourselves—to what purpose these large steamers and railways have been employed in carrying on rapidly those operations which would take place at the commencement of a war. We have seen many thousand men transported in a few days from France to Civita Vecchia, and landed in the neighbourhood of the intended seat of warlike operations. The time that operation took was exceedingly short; and the men were transported without any difficulty. Last autumn, when there was an expectation of war between Austria and Prussia, 20,000 men, I think, were conveyed from Vienna in forty-eight hours to the frontier of Bohemia, and in the course of a fortnight 70,000 men were collected on that frontier. Now, these things show that in case of war an enemy would be able, in the first place, to transport to his coast a number of men in a few days, which formerly would have taken months to collect; and, allowing for accidents of wind and weather, they would be able in a few hours to transport these men thus collected to our shores. Now, Sir, these changes in the art of war appear to me to place this country much more in the position of a continental country than it ever was before. We do not altogether resemble a continental country, but still we must look a little as to what means all the continental countries take for their own defence. We see that they keep up enormous armies. We see that in addition to those armies they keep a prodigious force of militia. Even the United States of America, whose example the hon. Member for Montrose has quoted so much, I believe they have now a million of men enrolled as militia in the United States. I am now talking of the military means of defence. Now we have not adopted the means which have been taken by Continental Powers, or even by the United States in this respect. We have not got a large army; subtracting from our whole army the troops in India and in the colonies, and our army, as compared with that on service in France, or even any of the second-rate Powers on the Continent, is a very small army. Nor have we thought proper to adopt the plan of having a large militia force. There is very great difficulty in adopting a plan for a militia force in this country; difficulties and objections which, I think, would made the adoption of any plan founded on the former plan for the militia exceedingly objectionable if it was brought before this House. But admitting that you might have a militia force, you have not one at present, and therefore you are in this country obviously, and in the knowledge of all the world, without a great army and without a militia force, and therefore I say if that is the case, take care at all events that you have an efficient naval force. Do not part with that great arm of defence that you have, and do not expose yourselves to this, that for the first six months of war you might be utterly unable to send out a sufficient force to meet the hostile operations of your enemies. The hon. Gentleman mentioned France; and certainly the more powerful naval armaments of France, and the many wars that we had had with France, induces one naturally to turn one's eye rather to that Power than to others. But there are other Powers. We might be at war with Russia and Austria, and at the same time engaged in a friendly alliance with France. In that case, also, we ought to be able to have a sufficient naval force to meet any aggression which might take place. I cannot—though I certainly do not give way to the apprehensions that have been expressed, and the estimates that have been made of the means by which, if France were at war with us, they might immediately land 50,000 or 100,000 men on our shores; but still I do not think it is at all out of the question that in case of any war arising with France, there might be an attempt made by a very considerable armament to land troops in this country; and I should be very sorry that, in that case, we had no means to prevent them, if possible, from effecting any successes. But, Sir, there is another way in which we might be met, and a way that was pointed out by a very intelligent naval officer, the Prince de Joinville, in a pamphlet, which you may remember he published some years ago, and that was by having small detachments and continual small expeditions to vex our coasts and interrupt our trade. Now, I beg the hon. Gentleman the Member for the West Riding to observe, that injurious as those operations might be—hurtful as they might be to our trade, and our wealth, and our resources in former times—the late change that we have made in respect to the corn laws makes such operations far more injurious than they would otherwise be. For the last two or three years we have had eight or nine million quarters of grain imported into this country. Now, think what a loss it would be to this country, being in the practice of having a part of our food, to the amount of eight or nine million quarters, coming from foreign countries, if in the event of a war we had no naval force, and were unable to obtain that food. I am, therefore, of opinion that, necessary as it was to have a naval force to protect our trade in all former wars, that a nation which, like ours allows a free importation of grain, and which is now in the habit (and it is a practice which may continue) of importing 8,000,000 or 9,000,000 quarters of grain annually, is still more under the necessity of having a naval force than a nation which does not derive so large a quantity of food from foreign countries. It is obvious that the more our trade is extended, the more you require the naval force in case of war to be extended also. The hon. Gentleman the Member for the West Riding alludes to the armaments made by France, and says that it is not necessary for us to keep up a larger force than France, and that we might have an agreement with them by which this force might be mutually reduced. But we have—besides the necessity of defending our own coasts—we have the necessity of defending our trade, not with nations in the state of the United States of America, with which our commerce may be carried on without risk of interruption, but with many small States, some of which are very imperfectly civilised, and others of which are very little in the habit of keeping good faith with regard to the property of our merchants that reside in their territory. Therefore France is not at all under the necessity of keeping up her naval force to the amount that we are obliged to keep ours up. I think that we are obliged to keep up a naval force for that purpose, besides the purposes of defence which we are obliged to look to. I own, therefore, that I cannot think that the proposal to keep up 39,000 men in the present year is at all excessive. And with regard to the general defence, let me observe that in the year 1845, when, to all appearance, we were on the most friendly terms with France, there arose a cause of difference, upon which the sense of honour and the susceptibility of the two nations were very much excited, and it required the moderation shown in the greatest degree by both the Governments of France and England to prevent hostilities breaking out on that occasion. But the result was that the

Government of this country, on considering our means of defence, thought we were very ill prepared for those hostilities, and immediately a very large increase was made in the naval expenditure of this countrs, and the expenditure, which had been 6,466,000*l.* with the packet service, was raised immediately to 7,344,000*l.* Next year, in 1846–47, it was 7,920,000*l.* The expense of last year was very much below that—it was 6,362,000*l.*, being rather more than a million less than the expense in 1845. Now if that was the case—if the Government of 1845 thought we were in considerable danger at that time, and thus increased the expenditure, and if we have now reduced the expenditure by the amount of a million—I think it is some symptom that it is not a very extravagant expenditure that we now propose. The hon. Member for Montrose has introduced the question of the African squadron. I shall not go into a general discussion of that subject; but this I must say, that I think this House has reason to be proud of the vote to which they came last year, that that squadron should not be abandoned. It was then represented to them that our efforts were entirely useless — that the slave trade was increasing—that it was quite impossible that we should be able effectually to prevent it, and many other things—that vessels were built that would carry on the slave trade so successfully that the efforts of our cruisers would be defeated. Well, the House approved of the continuance of that squadron; and, among other consequences of that vote, the Brazilian Government, seeing that the Parliament and the Government of this country were in earnest, have passed laws to prevent the slave trade; and the immediate consequence was, that the steamers held by slavedealers in Brazil were immediately sold, I am glad to say, at a very great loss, and many of the slavedealers were ruined. The captures became more numerous; and, in an account which arrived within these two days from the Brazilian consul at Rio Janeiro, there is this passage:—

> "I have also enclosed a return, showing the number of slaves landed on a certain portion of this coast during the six months ending December 31, 1850, showing that, in the latter half of the year 1850, the total number of slaves landed on this extent of coast was 5,108; while the number during the latter six months of the three years 1847, 1848, and 1849, averages upwards of 24,000."

So that the last year was very little more than one-fifth of the average of those landed in the corresponding period of the three preceding years. Now, I say, this circumstance is encouraging to the Government of this country to proceed in this great work. It is one in which we have been many years engaged; and every one, I think, must admit that it would cover us with shame and humiliation if we had left that great work unfinished, and allowed the slave trade to begin again, and to be carried on to the extent which it was before. Great exaggerations are made with respect to the cost of this slave squadron. I think that it cannot be denied that, even if you abandoned the attempt to put down the slave trade, you must keep a squadron on the coast of Africa at those parts where the slave trade does not exist; you cannot allow your legitimate trade to be destroyed by pirates; and I doubt much whether you would find that you have saved more than 200,000*l.* or 250,000*l.* per annum, making the utmost retrenchment which you could, and allowing the slave trade to go on. Now, if that is the case, as I believe it is, seeing that we have made in the last year more progress than we had done for many years before—seeing that there is a prospect, on the coast of Brazil, of putting an end to that trade, and if it is put an end to on the coast of Brazil, there will then be only Cuba left—seeing this prospect before us, I trust that, whatever other retrenchment this House may make, they will not make a retrenchment of that part of our naval force which is required for the suppression, and, I hope, the final extinction, of the slave trade. That, I think, would be a glory to this country, that having, by its own efforts, put an end to the slave trade and slavery in our own dominions, and having, by its example and effects on all nations, put an end to the slave trade of many other countries, that we should finally put an end to the slave trade in Brazil and Cuba, and thereby have the satisfaction of saying that England had been the cause of the slave trade being abolished all over the world.

Mr. M. GIBSON said, he could not allow the observation of the noble Lord, that the recent free-trade policy of this country rendered it more than ever necessary to keep up a large naval force, to pass without making a reply. He was entirely at issue with the noble Lord on the question; for he considered that their free-trade policy having increased the commerce of the country, a greater number of sailors and ships were employed, and consequently it increased the defensive resources of the country in case of emergency. Furthermore, that policy, by increasing their intercourse with other nations, had given those nations an interest in the continuance of peace; so that, instead of calling forth an increased naval force, the policy of free trade was calculated to bring about a diminution of it. The question before them was one of degree; it was a question as to how much naval force the country required. Now, the circumstance of there having been an increase in steam vessels, rendered it the less necessary to have the same number as in former years; for less men were required to man steam vessels. The gallant officer below him the Member for Gloucester had said, that he would be able to fit out a fleet of 100 steamers in less than two months' time. If that were so, it considerably weakened the argument of the necessity of keeping a large number of men employed in case of necessity. The Amendment of his hon. Friend the Member for Montrose proceeded on the argument, that it was not necessary to employ a larger number of men now than was the average of the five years after 1835, which was 30,000 men. The noble Lord had referred to the subject of Brazil, and the necessity of maintaining the African squadron. Now, when he (Mr. Gibson) brought that question forward, he said there were different parties in Brazil; and if the Government of this country did not interfere with Brazil, so as to interfere with the progress of public opinion, which, to a large extent, was for the suppression of the slave trade, they should see the slave trade checked by the operation of public opinion in Brazil itself; and he contended that the formation of opinion in Brazil itself against the slave trade was the only means by which that trade could be abolished. Now, it was his belief that the effect of their interference, of their menaces, and their vexatious irritations, had been the postponement until the present time of the successful operations of the anti-slavery party in Brazil. Those Brazilians who professed themselves in favour of the abolition of the slave trade were, in consequence, viewed as persons who were indifferent to the independence of their own country, inasmuch as the people saw that abolition was being forced upon Brazil at the cannon's mouth. He could not, therefore, give the African squadron credit for having effected such desirable results. On the contrary, he considered that the policy of this country, in reference to Brazil, had been the means of deferring for a longer period than it would otherwise have been deferred the formation of an effective and powerful party in Brazil in favour of the suppression of the slave trade; and he maintained that the fact that Brazil had taken steps to suppress the slave trade, ought not to induce hon. Members to vote against the Amendment of his hon. Friend.

Mr. CARDWELL said, that the right hon. Gentleman who had just sat down had raised a point which had already been frequently raised in that House, and which, although it might at first sight appear plausible, would, on mature reflection, be found entitled to very little weight. The right hon. Gentleman had said that he attributed the recent exertions of the Brazilian Government upon that subject to a disposition which had arisen in the Brazils to put down the slave trade, in consequence of our having removed that irritation which our former interference had produced in the minds of the people of that country. But let him (Mr. Cardwell) ask what were the facts of the case? In former times we had been feeble in our efforts for the accomplishment of that object, and the Brazilian Government had remained inactive. But in the last Session of Parliament a solemn Motion, based on the report of a Committee, had been brought forward in that House, and the most strenuous efforts had been made to induce the House to reverse its policy upon the subject. But the House had taken another, and, he would venture to say, a far wiser and more enlightened, course. It had solemnly affirmed that policy. And what had taken place, in consequence in the Brazils? A degree of vigour and activity had been imparted to the operations of Her Majesty's fleet on the coast of Brazil such as had not existed there before. And what had been the result? One of Her Majesty's vessels, acting, he believed, not without an understanding with the Brazilian Government, had taken possession of a Brazilian vessel engaged in the slave trade on the coast of Brazil; and then the guns of a Brazilian fort had been opened on our vessels; but we had bombarded and silenced that fort. What had been the next consequence? Why, the Minister for Foreign Affairs in Brazil, having been cross-questioned in the Chamber of Deputies, had given an explanation of what had taken place; and although I shall quote his words from memory, I believe I shall be correct as to the purport of the language he used. He said—

> "With regard to the insult that has been offered to our country, we will endeavour to give the best account of it; but let me tell you this—if you believe that you can succeed in maintaining the slave trade, when a country like Great Britain has solemnly recorded her determination to prevent it, you are greatly mistaken."

Such had been the declaration made by the Foreign Minister of Brazil to the excited Chamber of Deputies; and it appeared from a statement in the *Times* newspaper that that declaration had been received with applause. The consequence had been, as the noble Lord at the head of the Government had just told them, that our efforts had succeeded so far in suppressing the slave trade along the coast of Brazil that the amount of slaves which had since been imported into that country had scarcely reached one-half of the average of former years. That was the language of fact. The language of the right hon. Gentleman might be plausible, but he hoped that the House would come to a more sound conclusion than that at which the right hon. Gentleman had arrived; and that, after having found that their strenuous co-operation and assistance had enabled the anti-slavery party in the Brazils to obtain a pre-eminence, at least for the time, they would continue that co-operation and assistance. He believed that in that case they would still receive the cordial support of the anti-slavery party in that country. He entirely agreed in the generous sentiments which had fallen from the noble Lord. Whether, if that were the beginning of that vast undertaking, we should in these days have had the courage to engage in it, was more than he could undertake to decide; but now that they were engaged in it, and had such great prospects of success, he earnestly hoped that we would not give up such useful exertions in so good a cause.

Admiral BERKELEY said, that the evidence he had given before the Committee of that House afforded, in his opinion, the best argument in favour of our retaining a large body of seamen. He had said in the course of his evidence that 100 steamers, fitted to act as auxiliaries, might be found among the merchant service in case of a war. But he had not said that he could find the men to take these vessels to sea. In his belief, the number of men proposed in that vote was not too large, considering that these men would be the nucleus for crews which could efficiently use guns; and it was absolutely necessary that we should possess such a nucleus, in the present state of gunnery among all maritime nations. Formerly we might have manned our ships from the merchant service with the best possible seamen; but we could not do so at present in the high state of perfection to which gunnery had been brought. He would venture to say that ships manned with what were called seamen-gunners—and they were the great majority of those at present employed—would beat double the number of ships manned by crews unacquainted with gunnery.

Mr. PLUMPTRE said, he felt it his duty to support the vote proposed by the right hon. Baronet the First Lord of the Admiralty. It was true that his constituents were at present suffering considerable distress, and that they were very naturally, and very properly, anxious for economy in the public service; but he believed that by following the course recommended by the hon. Member for Montrose, he should be adopting a penny-wise and pound-foolish policy.

Mr. S. CRAWFORD said, he should support the Amendment because his constituents had sent him there to promote reduction of expenditure and taxation. The Whig party had come into office as advocates for economy in the public service; but they had since departed from their professions upon that subject.

Colonel THOMPSON said, he must vote for the Amendment of the hon. Member for Montrose for the same reason as the hon. Member for Rochdale who had last spoken; although he could not vote for it on any of the grounds assigned in its favour by the hon. Mover, who had done everything in his power to make the vote a perfect emetic to him. The first defect he noted in those grounds, was that the House had been informed, that the President of America had stated there were two millions of tons of shipping belonging to the republic capable of being applied to warlike purposes, of which there could be no doubt a large proportion were steam boats. Now, if only half this should by any conjunction of events be employed in combination with a coalition of European Powers, how it would let loose the imprisoned angels the Absolutist powers might at any time have lying bound in all the rivers from Hamburgh to the Neva, and what an important accessory this would be to war. He did not see in this an absolute ground for reducing the naval armament of this country, and must therefore rest his vote upon the reason he had begun by stating. At the same time, he believed, that the defence of this country rested more with the Foreign Secretary than with the First Lord of the Admiralty. Our ancestors had always to a great extent rested the defence of the country upon creating friends for themselves in foreign countries by supporting liberty abroad; but if we could not succeed in preventing Absolutism from ruling throughout the continent of Europe, we should be deprived of that source of strength and support. The hon. Mover had also attacked the budget. Strange as it might appear, this was the first time he (Col. Thompson) had been able to raise a voice in that House to assert, there was a growing party in the House and in the country which was disposed to say, "If you love us, give us an income tax; and if you love us much, make it perpetual." Everybody knew that the working classes in this country were taxed, in some instances at as much as eleven times the rate of the rich; and when a Chancellor of the Exchequer produced a budget, not to remove this—not to balance it by laying the taxes to a certain extent at eleven times the rate on the rich as on the poor, but merely to apply an equable rate to a certain portion of the taxation — this was the way he was received by those who professed to advocate the interest of the working classes. A grand stand was made on the injustice of taxing temporary incomes; the simple cause of injustice being, that the taxation was temporary. The working classes wanted only a little more time and reflection to find out, that an income tax was a tax for peace and not for war, and that the resistance to it was only the struggle of the rich to cause the taxes to be paid by the poor. The hon. Mover had further insisted on introducing the vexed question of the African squadron. On this subject he had only to say, that his constituents were the descendants and representatives of men who had been mainly instrumental in putting down slavery and the slave trade; and it was not likely they should now be in favour of removing the African squadron, which had clearly done much in putting down a great evil, and with every appearance of being entirely successful in the end. He hoped he had succeeded in persuading the House, that if he voted for the Amendment, it was not from being led captive by any too seductive reasons of the Mover.

Mr. HUME, amid some laughter, declared his conviction that the hon. and gallant Gentleman the Member for Bradford must have been asleep during the delivery of his (Mr. Hume's) speech, as he had not uttered one syllable with respect to the income tax. [Colonel THOMPSON: Hear, hear!] When he spoke of the 2,000,000 of tonnage in America, he spoke of the mercantile navy. As the hon. and gallant Gentleman had declared that he would not vote for the Amendment for any argument which had been adduced in favour of it, perhaps the hon. and gallant Gentleman would tell the House why it was that he intended to vote for it.

The Committee divided:—Ayes 61; Noes 169: Majority 108.

List of the AYES.

Alcock, T.
Barrow, W. H.
Blake, M. J.
Blewitt, R. J.
Brotherton, J.
Clay, J.
Clifford, H. M.
Cobden, R.
Crawford, W. S.
Devereux, J. T.
Duncan, G.
Ellis, J.
Ewart, W.
Fagan, W.
Fergus, J.
Fordyce, A. D.
Fox, W. J.
Gibson, rt. hon. T. M.
Grattan, H.
Greene, J.
Hall, Sir B.
Hastie, A.
Henry, A.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Lennard, T. B.
Lushington, C.
Maher, N. V.
Meagher, T.
Marshall, J. G.
Molesworth, Sir W.
Moore, G. H.
Mowatt, F.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Osborne, R.
Pechell, Sir G. B.
Pilkington, J.
Power, Dr.
Reynolds, J.
Rufford, F.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Smith, J. B.
Sullivan, M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Waddington, D.
Wakley, T.
Walmsley, Sir J.
Williams, J.
Williams, W.

TELLERS.

Hume, J.
M'Gregor, J.

List of the NOES.

Acland, Sir T. D.
Adair, R. A. S.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baird, J.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bell, J.
Bellew, R. M.
Berkeley, Adm.

Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blair, S.
Boldero, H. G.
Bowles, Adm.
Boyle, hon. Col.
Brocklehurst, J.
Calvert, F.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Charteris, hon. F.
Clements, hon. C. S.
Clive, hon. R. H.
Cochrane, A. D. R. W. B.
Cockburn, Sir A. J. E.
Collins, W.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Currie, H.
Dawson, hon. T. V.
Disraeli, B.
Dodd, G.
Douro, Marq. of
Drummond, H.
Duke, Sir J.
Dundas, Adm.
Dunne, Col.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Evans, W.
Evelyn, W. J.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Forster, M.
Freestun, Col.
French, F.
Glyn, G. C.
Gordon, Adm.
Goulburn, rt. hon. H.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Heathcoat, J.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, W. N.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Inglis, Sir R. H.
Kildare, Marq. of
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawley, hon. B. R.
Lemon, Sir C.
Lewis, G. C.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Loveden, P.
Mackie, J.
M'Taggart, Sir J.
Manners, Lord J.
Martin, J.
Masterman, J.
Matheson, A.
Maule, rt. hon. F.
Melgund, Visct.
Miles, W.
Mitchell, T. A.
Morison, Sir W.
Morris, D.
Mulgrave, Earl of
Mundy, W.
Norreys, Sir D. J.
O'Brien, Sir L.
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, F.
Pendarves, E. W. W.
Peto, S. M.
Plowden, W. H. C.
Plumptre, J. P.
Price, Sir R.
Rawdon, Col.
Repton, G. W. J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Smith, J. A.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stanton, W. H.
Stephenson, R.
Strickland, Sir G.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Townshend, Capt.
Tynte, Col. C. J. K.
Verney, Sir H.
Vyse, R. H. R. H.
Walter, J.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wynn, H. W. W.
Wyvill, M.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Vote agreed to.

(2.) 1,435,723*l.* for the Wages of British Seamen and Marines in Her Majesty's Fleet.

Mr. W. WILLIAMS said, that the right hon. Baronet the First Lord of the Admiralty was in error when he stated that the estimates of the present year exhibited a saving of a million and a half as compared with the years 1848-49. The excesses of late were to be attributable to the present Government. If the right hon. Gentleman had referred back to 1844, he would have found that the estimate of Sir Robert Peel's Government was 36,000 men, and that the cost was 266,000*l.* less as compared with the present year.

Sir F. T. BARING said, that he had made his comparison with the year 1848-49, because that happened to be the year in which he had taken office.

Vote agreed to, as also was

(3.) 500,632*l.* for Victuals, &c.

(4.) Motion made, and Question proposed—

> "That a sum, not exceeding 138,625*l.* be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1852."

Colonel SIBTHORP complained that the vote was larger than that of last year. He believed that the free-trade system, and the faulty measures of the Government, would conspire to make the expenses of the Navy much greater. Economy was the order of the day, and therefore (although he was not disposed to question the capability, respectability, and efficiency of the officers of the Admiralty) he would propose a small reduction. He was aware that whatever dropped from him was regarded as *vox et prœterea nihil;* but for all that, he was sure he would not give dissatisfaction out of doors if he were to propose the reduction of the salaries of the Lords of the Admiralty. As bread and beef were so cheap, he would propose to cut down the salary of the First Lord to begin with. Taking into consideration the low price of wheat, fish, and other edibles, he would propose that the salary of the First Lord of the Admiralty be reduced to 3,500*l.* The two lay Lords of the Admiralty, who would get sea-sick at the Nore, and who could not go to the mast head if their lives depended on it, got 2,000*l.* a year under the present system, but he would suggest that they should be struck off altogether. The Secretary of the Admiralty received 2,000*l.* a year, but taking into account the very moderate price at which pens, ink, and paper, were now to be obtained—that official would be very well treated if he were to receive 1,500*l.* a year, and he (Colonel Sibthorp) begged to move that a reduction be made to that amount. The second Secretary received the enormous salary of 1,000*l.* a year, for probably doing the duty of the first; but that was a bad arrangement, and he would suggest that the second Secretary be entirely done away with. He would also sweep away the Solicitor, who bagged no less than 1,600*l.* a year, and who was, no doubt, no better than other gentlemen of his cloth. It was monstrous that such salaries should be given to lawyers, secretaries, and people of that kind, by a nation which could only afford to give a miserable pittance of a few pounds a year to soldiers and sailors, who had had their legs and arms, and every thing shot off them in defence of their country. The expenses in this department were most exorbitant. The Government pretended to love economy, and yet they gave thousands a year in this department to men who had nothing else to do for their salaries except to eat, drink, sleep, and read the newspapers. The reductions which he had specified he now begged leave formally to move. If he was seconded, he would divide the Committee.

Afterwards Motion made, and Question put—

> "That a sum, not exceeding 134,025*l.* be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1852."

Mr. W. WILLIAMS said, that the excess in the amount of the present estimates over those of 1844, amounting to 11,800*l.*, though the number of men was about the same, required some explanation.

Sir F. T. BARING said, he had already explained that the reason of the gradual increase was the gradual increase of salaries from greater length of service. Another reason for the increase since 1844 and 1845 was the introduction of steam, rendering it necessary to employ additional officers.

Mr. FITZROY regretted that the hon. and gallant Member for Lincoln had proposed so great a reduction in the vote, and trusted he would consent to modify his Motion, in which case he might be enabled to support it. The right hon. Baronet at the head of the Admiralty could not but allow that some reduction of expenditure might be made under that head, and that a larger staff was maintained at the Admiralty than was absolutely required. This he might be allowed to state, inasmuch as it was in evidence before the Committee on Official Salaries, which proved that the services of one Lord might safely be dispensed with. The right hon. Baronet, in his evidence with reference to the duties of the fifth civil Lord, certainly gave a long catalogue of duties; but he (Mr. Fitzroy) asked any one conversant with the matter, how many hours in the course of a month a Lord holding that position would find it necessary to attend for the actual performance of those duties? The hon. Member for Montrose had ridiculed the idea that fifteen men could not be found to form a Government, when all the business was, in point of fact, transacted by permanent clerks; but this was strictly true with respect to the Admiralty department, which perhaps possessed better clerks and more efficient permanent heads than any other. It was absurd to keep up an office with a salary of 1,000*l.* a year, to look after a department superintended by an efficient public servant who had filled the post for more than half a century. The right hon. Baronet, after defining the theoretical duties of the different Lords, was asked by the hon. Member for the West Riding as to the practical discharge of the duties which devolved on this Lord. He was asked whether he went through the accounts; and the answer was, that he did not, but that he superintended that department. This was somewhat unintelligible. Either a man did superintend the accounts or he did not; but the statement was that he did not practically take any part in the supervision of the accounts, though he superintended them. The original arrangement was rather an experiment of blending two or three boards in one, and a great deal of official business was immediately thrown on the civil Lord in consequence. But it must not be forgotten that since that time a new office had been created, which relieved that Lord entirely from all duty except signing his initials now and then; and how many months or weeks would be occupied by this, those conversant with the administration of public business could answer. The duties of the civil Lord might be combined with those of the medical and victualling department, and the whole of them might be efficiently performed by the sacrifice of one hour a day. Public officers ought to be well paid, but they had no right to pay a man well, and leave it optional with him whether he would attend to his duties or walk about the streets. Having filled the office himself, he could state that any man could perform the duties of the two at the sacrifice of not more than one or two hours every day. He hoped therefore that the Committee would express an opinion with respect to keeping up so large a staff.

Mr. HENLEY said, that the hon. Gentleman who had just spoken had let out some secrets respecting the Admiralty. If they went on, the Committee might get some more information. Without pretending to the accuracy of knowledge of the hon. Gentleman, he thought it quite clear that for the last ten years the vote of the Admiralty establishment had been gradually increasing. In 1841-42 it was 121,844*l.* It was now 138,625*l.* He did not think that the right hon. Gentleman the First Lord of the Admiralty had given a satisfactory explanation why it had crept up—the number of men being quite as great, if not greater, in 1842 than now. The increase was not confined to the Admiralty establishment. It was the same in the dockyards, the vote for which, in 1842, was 122,000*l.* It was now nearly 135,000*l.* There seemed a tendency to get back to that state of things which the right hon. Baronet the Member for Ripon set right in 1835-36. He (Mr. Henley) was surprised to find a person like the hon. Member for the West Riding state that it was impossible to make any reduction of the expense in the details of management without reducing the number of men, and that too, in the face of, and immediately following, the statement of the First Lord of the Admiralty, that there had been a reduction in two years of 1,500,000*l.* in the general expenses. He (Mr. Henley) confessed that when he found the hon. Member for Montrose proposing to strike off nearly a fourth part of the whole efficient force, and, when he did not succeed, throwing the cards up, he was induced to suspect he was not sincere in proposing it with any hope of carrying it. It seemed to him very like throwing out a tub to the whale, and saying, "See what great reductions we propose!"

Mr. COBDEN thought it would be in the recollection of the Committee, that what he had said was, not that it was impossible to make any reduction, but, that it was impossible to make any material reduction of expense without a reduction of the forces. The hon. Gentleman who had just sat down said, that there had been a reduction of 1,500,000*l.* without a reduction of the force; but the fact was, that in 1848 there was a reduction of from 4,000 to 5,000 men. He (Mr. Cobden) stated that there might be occasionally disturbing causes, such as building steamboats or the like; but if the hon. Gentleman would go through the Navy, Ordnance, and Army Estimates, for a series of twenty years, he would find his statement correct, that, taking a series of years, the number of men was an accurate test of the amount of money expended. He thought, too, that upon reflection, the hon. Gentleman would recall the imputation of insincerity which he had ventured, in a moment of forgetfulness, to make against the hon. Member for Montrose. That hon. Gentleman had, to his knowledge, often proposed similar Motions during the last ten years; and, although he might not have succeeded in carrying them at the time, it had generally happened that in the course of a few years what he proposed was carried into effect. And he (Mr. Cobden) would venture to predict that the reduction his hon. Friend had proposed on that occasion would be carried out before long, and probably with the aid of the hon. Member for Oxfordshire.

Mr. HUME disclaimed the charge of insincerity, and said that the hon. Member for Oxfordshire and his Friends, who were constantly crying out for a reduction of taxation, and yet when they had an opportunity of lessening the expenditure did not embrace it, gave a pretty strong proof that they were not sincere. And, he would tell the hon. Gentleman, moreover, that those who voted for large establishments, and yet demanded a reduction of the taxation by which those establishments were supported—in other words, those who refused to diminish the expenditure before reducing the taxation—did not, in his opinion, adopt a very honest course. He begged to tell those hon. Gentleman also, that when they considered the situation in which they were placed in consequence of the reduction which had taken place in the price of the produce of the soil, they would probably find it their interest before long to join him in reducing the expenditure of the country.

Mr. S. CRAWFORD said, that if the hon. and gallant Member went to a division he would support him. And he hoped at the same time that he would endeavour to carry out the principle of reduction with respect to other salaries.

Mr. HENLEY explained that his observations with regard to what had fallen from the hon. Member for the West Riding had reference to what that hon. Gentleman had stated two years ago, and not to what was the number of men in the Navy in the year 1848. With respect to the hon. Member for Montrose, he (Mr. Henley) begged to say, that he had no intention of accusing that hon. Gentleman of a want of sincerity. What he intended to say was, that the hon. Gentleman could have no expectation of carrying his Motion.

Mr. HUME: Indeed I had. If hon. Gentlemen had fulfilled their pledges, I have no doubt I should have succeeded.

Colonel SIBTHORP said, that the hon. Member for Lewes, having himself been a Lord of the Admiralty, had admitted that a reduction of one Lord was necessary; but he (Colonel Sibthorp) went further, and considered that in these days of economy and distress they might with strict propriety be reduced two.

Mr. HENRY DRUMMOND said, the Motion of the hon. and gallant Member applied only to one service, whereas it ought to be applied to all the different branches of the service, Navy, Army, and Ordnance. The hon. Member for the West Riding had referred them back to the year 1838 as a standard; but the propriety of the force to be maintained was not a question of chronology but of expediency. There was no abstract amount of force that could be determined upon. The amount to be kept up depended upon what were the probabilities of a hostile force coming against us. Did any Gentleman in sober sadness believe that there was the same chance of a greater force coming against us now than in the years 1835 and 1838? There were certain portions of the estimates which seemed to him to be very slightly passed over, but which in his opinion ought to be explained. He referred to certain details such as occurred in page 12. After putting the two assistant surveyors at 800*l.* per annum each, there came these items:—Four draughtsmen to the surveyor; one first-class, from 350*l.* to 500*l.*; one second-class, from 250*l.* to 350*l.*; and two third-class, from 150 to 250*l.* Then, and soon after, there came, first draughtsman, 250*l.*; second ditto, 150*l.*; then, first writer and calculator, 150*l.*; second ditto, 80*l.*; then, assistant engineer, 500*l.*; after that, director of engineering and architectural works, 1,000*l.*; then, chief assistant to the director of works, draughtsman to the director of works, and clerk and draughtsman to the director of works. Now the whole of these offices sounded very queer, and concerning which the House ought to receive some explanation. Then, there was another item, not only applicable to the service of the Admiralty but applicable to all the public departments, and that was "Public Buildings and Repairs." He believed the largest and most extravagant expenditure on account of these items came under the direction of the Woods and Forests. These charges also required explanation.

Sir F. T. BARING said, that, with regard to the details which had been referred to, those of them which had been introduced since 1845 or 1846, he ought not to be called upon to explain, except as now holding the office of First Lord of the Admiralty. The principal part of the increased expense of the establishment had, as he had already explained, arisen from the creation of the steam navy. With reference to the particular items mentioned by the hon. Member for West Surrey in regard to engineering works, architectural works, and other works, he had no doubt that the persons appointed to those various departments were required to superintend and check the great expense of the works going on in the public buildings and in the dockyards. For such purposes there must be some establishment. There was one officer appointed as assistant to each establishment; and, although they were called hard names, yet they were in effect clerks; and he did not think that the sums set against their names was very large. The hon. and gallant Member for Lincoln had proposed the reduction of his (Sir F. T. Baring's) own salary. He was afraid he must leave that entirely to the decision of the House. The question had been already discussed, and that relieved him from any difficulty he might otherwise feel on the subject. He should, therefore, abstain from any further observations upon it. With regard to the number of Lords of the Admiralty, the hon. and gallant Gentleman was mistaken in supposing that there were two lay Lords, unless he included the First Lord. There was only one junior lay Lord on the board. The hon. Member for Lewes had referred to the evidence given by him (Sir F. T. Baring) before the Committee on this subject. It was true, he was asked whether he thought a reduction could be made in the number constituting the board; and his answer was, that he thought it would be very unwise to make any reduction. It happened, perhaps owing to his previous experience in other offices, that he interfered much more in the business of the civil Lord than was usually done by the person holding the office of First Lord; but, as a general principle, he did not think it advisable to cut down the number of the junior Lords: he thought that the House would act unwisely if they were to adopt the course intimated by the hon. Gentleman the Member for Lewes.

MR. HUME asked, whether it was intended to remove that portion of the Admiralty Department which now occupied rooms in Somerset House either to the Admiralty itself or to some convenient place near Whitehall, where all the business might be more conveniently transacted? He understood that it would very soon be absolutely necessary to make the removal.

SIR F. T. BARING said, the rooms now occupied at Somerset House by the Surveyors of the Admiralty would soon be required by the Board of Excise; and, if his right hon. Friend the Chancellor of the Exchequer were prepared to give the Admiralty a house nearer Whitehall, he should be quite ready to transfer the Admiralty surveyors to it without any loss of time.

The Committee divided:—Ayes 193; Noes 34: Majority 159.

Vote agreed to.

COLONEL SIBTHORP said that, in proposing the Amendment just negatived, he had only performed his duty; and, as he had not been supported, could only say, he had no confidence in either side, and should leave the House.

(5.) 48,635*l*. Scientific Branch of the Naval Service.

MR. HUME complained of the high price at which the *Nautical Almanack* was sold. In his opinion, a publication so important to the safety of life and property ought to be within the reach of every class. If the price were lowered, more money would be made of the work; the more they reduced the price the more copies they would sell.

Vote agreed to; as were—

(6.) 134,699*l*., Naval Establishments at Home.

(7.) 23,654*l*., Naval Establishments Abroad.

(8.) 676,416*l*., Wages to Artificers, &c. at Home.

Motion made, and Question proposed—

> "That a sum not exceeding 676,416*l*., be granted to Her Majesty, to defray the charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1852."

MR. HUME said, that the American Government had five vessels on the stocks, and they had stopped their progress. It appeared to him that in our naval architecture we were certainly building to waste: he therefore pressed his suggestion that the American system should be followed, of not building more ships than were required for service. In 1848 there were 208 vessels in ordinary, 235 in commission, while about 70 were building. Since 1838, 266 vessels had been built, of 620,000 tons, at a cost of 4,848,000*l*. Within the last twenty years there had been 319 ships built, at a cost of 5,190,000*l*. This was pure waste—the ships not being wanted. We had at the same time expended 805,000*l*. on our dockyards. Surely it was high time to put a stop to this extravagant expenditure. In a fit of economy an Order in Council had been issued to limit the number of artificers employed in the dockyards to 2,469, but it appeared to be useless to issue any Orders in Council of that sort. In 1848 the number of artificers had increased to 3,772. In 1833 the quantity of oak consumed in our dockyards for shipbuilding was 18,000 loads; in 1834, 15,900; in 1841, 24,000; and in 1847, the quantity had been increased to 33,888 loads. Not less than 279 vessels had been broken up in dockyards within a few years. In fact, no such destruction of work and waste of wages had ever been known as were to be witnessed in our dockyards. Our shipbuilders in the dockyards were employed in building ships and pulling them to pieces. With the view of putting a stop to this extravagance, he should move that the vote be reduced to 400,000*l*.

Afterwards Motion made, and Question put—

"That a sum, not exceeding 400,000*l.*, be granted to Her Majesty, to defray the charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1852."

ADMIRAL BERKELEY said, that though the statement respecting those ships made a great display on paper, the ships would not make a very good show at sea, and no nation had vessels of so small a size as England. It was very well to say we have this number of ships, and we must not build any more; but fifty sail of the line was a small number, and if a general action was to come on it would be absolutely necessary to have another fifty to replace those disabled in action. In consequence of our having been at peace so long, there were no doubt many ships that had never been at sea, but that was no reason why they should be relied upon, especially if they were not in a fit state. It should be remembered that if they were building ships they were not launching them ; they kept them on the slips, and it was hardly necessary for him to point out the disadvantage of too much haste in building. If a ship was run up in a hurry, or upon an emergency, she very soon rotted and was found little worth at sea. The hon. Gentleman the Member for Montrose seemed to think that a good deal would be saved by giving up building for themselves, and getting ships built in merchants' yards. In order to show the fallacy of this, he would refer to two 72-ships of the first-class, both still extant. One of these, the *Blenheim*, built in a Government yard in 1813, cost 59,249*l.*; and the other, the *Benbow*, built in a merchant's yard, cost 68,070*l.* The *Benbow* was rotten and condemned, while the *Blenheim* had had a screw put into her, and was still a good and efficient ship. The *Defence* was built in a Government yard for 62,524*l.*, and the *Dublin* in a merchant's yard for 66,993*l.*; and a reference to other ships would show the same result. As to the number of artificers employed, the returns before the House would show that much more work had been done by fewer hands during the last two years than was done before that time. He should be sorry to see building in our own yards given up. One result of such a step would be that it would become absolutely necessary to hire men when ships came in for repair, and that at an increase of expense.

MR. HUME said, that the hon. and gallant Gentleman had referred to a ship which had been built in a private yard, and had proved defective; but if that were so, it was no excuse for the Admiralty, who were just as responsible, having their own surveyor over the work. What he (Mr. Hume) proposed was, that a certain number of artificers should be kept in our yards, but that on extreme occasions, when additional ships were necessary, the contracts should be taken in private yards. As for fifty sail of the line, it would be long enough before the gallant Admiral would see that number. To propose to the country to pay for them would be ridiculous in these days.

SIR G. PECHELL said, there were great complaints as to the unnecessary work carried on in the building yards, and he was anxious to see a remedy for that evil. As a specimen of the mode of doing business in the docks he might refer to the case of the *Tremendous.* Some four or five years ago she was condemned as rotten, and was about to be broken up. Having been brought into Chatham, she was, somehow or other, saved from destruction; she was then razeed and sent out, and came back under a new name—the *Eagle*, he believed, being then considered a very fine vessel. Last year a vessel called the *Wellington* was called rotten, as they wanted to get rid of the *Wellington*; but a body of dockyard officers, who went to make a survey, reported that it was no such thing, for that the *Wellington* was quite sound.

MR. PLUMPTRE asked if there had been any reduction of the wages of artificers? The agriculturists had reduced the wages of their labourers at least one-sixth.

ADMIRAL BERKELEY could only say in reply that the wages of artificers were regulated by those given in merchant builders' yards. It was indeed found that shipwrights and artisans generally were not to be had at wages so low as formerly. He could refer to documents to show that four ships built in Her Majesty's dockyards were cheaper by the sum of 141,953*l.*, than equivalents built in private dockyards.

MR. MACGREGOR did not see what necessity there could be for such an amount of naval force as was contended for. Almost every nation on the Continent, except Russia and Belgium, was in a state bordering on bankruptcy ; and what was the naval strength of Russia? It was not more than equal to the ships of two of our most eminent shipping firms. Instead of expending such large sums on our naval establishments, he would rather see them reduced, and relief given to the public, the agricultural interest included, by a reduction of taxation.

MR. HUME said, that whatever were their opinions they should be correct in facts. Now, he held in his hand the report of a Committee upstairs, by which it appeared that while 220,000 tons had cost 22*l.* per ton when built in Her Majesty's dockyards, 44,000 tons had been built in private establishments at 16*l.* 14*s.* 2*d.* per ton.

MR. COBDEN remembered that when Sir Henry Ward was excusing the high estimates brought forward, he told the House that there was so much to spend for sailing vessels on hand. But to go on at the present moment building more ships of the line when they had such a fleet of steamers, appeared to him a great evil. He had heard military men say, that in the event of a war breaking out it would be a contest of steam, and if they had thirty or forty practicable vessels, such as were used in the Post Office service, they could dispense with the line-of-battle ships. It came out before the Committee that there were 500 steamers and coasters which might be made available for carrying large guns, and it appeared that the Government lost sight of these and other resources when they went on building line-of-battle ships. It was what no country ought to endure, unless they had more money than they knew what to do with.

ADMIRAL BERKELEY said, that when other countries were building line-of-battle ships, not as formerly, but with screw propellers, and when they propelled these ships with 940-horse power, we should be but ill prepared if we did not take steps of a similar kind. A propeller was useless in an old stern, and it would be more expensive to put new propellers in old ships, altering them for the purpose, than to build new ones.

MR. S. HERBERT did not consider it fair to institute a comparison between the cost of vessels built in the dockyards, and those built in private yards. They might get a ship built cheaper in the merchant yard than in the dockyards, but the question was whether the one was as well constructed as the other in regard to strength. He had no doubt that practically vessels were built at a less cost per ton in merchant yards than in the dockyards; but they had this to consider, that ships generally built in private yards were of a smaller class, and could be built at a cheaper rate than vessels of larger tonnage and greater strength. He thought certainly that they had overrated the necessity of maintaining a large Navy. It was the opinion of some parties, that all future warfare would be conducted by means of steam vessels. He (Mr. Herbert) thought it would be very unwise to discontinue the present mode of construction of vessels, for they knew that the machinery of steam vessels was of delicate construction, and, on a proper trial, they might not prove suited for the purposes of war. He did not say that it was necessary to increase or even to maintain the present number of line-of-battle ships; but he thought that some of them should be furnished with screw propellers in case they should be required. The problem as to whether steamers were the kind of vessels best suited for the purposes of war, was one which could only be solved in practice, but one which he hoped would never be solved in our practical experience.

MR. COBDEN said, that the gallant Admiral the Member for Gloucester had stated, that the screw could not be applied to the present line-of-battle ships; whereas the right hon. Member for South Wiltshire had recommended that the screw should be applied to some of those vessels. It ought to be settled whether they could apply the screw to the old vessels before they built new ones, for it was far from right to be going on building vessels which they would never require.

MR. HENLEY inquired if they could ascertain the proportion which the cost of the machinery and plant used in the dockyards bore to the expenditure, and whether the interest of it were calculated in estimating the cost of vessels built?

MR. COBDEN stated, that the machinery and plant were counted as nothing. The dockyards were provided with these, and they were never considered as forming any portion of the cost of the vessels, and yet they put the vessels in competition with those of the private merchant, who had all his machinery and plant to provide. He (Mr. Cobden) could prove that the price of an article stated in that House as the cost price could never be credited, as it was utterly fallacious.

SIR G. PECHELL said, it would be interesting to know the result of the experimental squadron.

Sir F. T. BARING said, there would be a report soon on the subject, which would be laid on the table.

The Committee divided:—Ayes 68; Noes 127: Majority 59.

Vote agreed to, as was also

(9). 35,956*l.*, Wages, Artificers Abroad.

The House resumed. Resolutions to be reported To-morrow.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 11, 1851.

PAPAL AGGRESSION.

Earl FITZWILLIAM said, he was entrusted with a petition from Cork to which he was desirous of drawing their Lordships' attention. He was not sure whether the petition could be received, as it was informal to refer to a Bill that was under consideration in the other House, and had not as yet come up to their Lordships' House. The petitioners prayed that that measure, which they designated one of pains and penalties against their religion, might not be passed into a law. He did not think that the Bill referred to deserved to be so entitled. He approved of that measure as it was originally framed, but his further approval of it must depend on whether that measure would ultimately be rendered effective for its purpose. He considered that the assumption of those titles was calculated to produce the most baneful effects in this country, which had shown how strongly it felt upon this subject. It was not from indignation at the conduct of the Pope that he was desirous for effective legislation against his late aggression. It was because he thought that the act so done by the Pope had a tendency to advance what he would be disposed to designate, if he were not restrained by the presence of certain Roman Catholic Peers present, a corrupted form of Christianity. Because he desired to preserve the character of his own religion, he was anxious to legislate upon this subject. But if we legislated at all, it most be effectually. He learned, through the ordinary channels of information, that from that Bill it was proposed to exclude those clauses which were calculated to give it effect; he had also ascertained that such a proposition was not forced upon the framers of the Bill by any strong adverse majority upon the subject. On the contrary, the feelings of the other House of Parliament were plainly expressed by the fact of nearly 400 persons having voted for the introduction of the Bill, when there were only about 60 persons found voting against such legislation. It appeared, however, that now when the measure had advanced to a certain stage, that those parts of the Bill to which he had referred were to be struck out. The result would be, that the Bill would amount only to a simple declaration that the Roman Catholic hierarchy were not to be permitted to use certain ecclesiastical titles in the united kingdom. He was astonished to hear that such a course was to be taken by the very authors of the Bill. If such a Bill passed, it would be deprived of the means of carrying its principles into effect; and instead of its authors being entitled—as otherwise they would have been—to the gratitude and respect of the country, they will be responsible for having involved the Legislature in disgrace, and for exposing it to the ridicule and contempt of the entire world. If the measure passed without those clauses which it was proposed should be struck out, both the Parliament and the Government will have disappointed the hopes and expectations of the nation at large. Having felt it his duty to make these observations, he wished to ask whether it was really true that it was the intention of those who had the conduct of the measure in the other House of Parliament to frame it so as to deprive it of all its executory principle? If the Government thought that such a measure would satisfy the country, he would venture to assure them that they grievously misunderstood the opinions and feelings of the people. He admired the Roman Catholics for the tenacity with which they had adhered to their religion through good report and evil report; but he warned the Government and that House not to let them advance further in their encroachments here, if they wished to preserve its character of a Protestant country. What was the ground stated by the Bishop of Rome himself for the issuing of his late brief? What was the object which he had in view? It was that the Roman Catholic religion might be so advanced and fostered in this country that it might ultimately become the religion of the Sovereign. He should have been disposed to say, in the preamble of the Bill, that a gross insult had been offered by the Pope to the religion and Sovereign of this country; and he would declare by the Bill itself that no title, civil or ecclesiastical, should be conferred upon any person within the united kingdom without the consent of Her Majesty. In taking such a course, he felt that he was adopting the best means for the preservation of that religion which he considered the best for the peace and happiness of the people. He called upon Her Majesty's Ministers not to be treacherous to themselves, but to act upon those principles with which they had identified themselves, and which were so essential for the maintenance of religious freedom and good order in this country.

The MARQUESS of LANSDOWNE understood that his noble Friend had intended to present a petition, which he, however, very properly stated could not in point of form be laid upon their Lordships' table. He supposed his noble Friend had made those observations with the view of affording himself an opportunity of putting a question to the Government—namely, whether any alterations had been or were intended to be made in a Bill which had been introduced into the other House of Parliament. He could have no hesitation in shortly stating that certain alterations had been, or rather were intended to be, made, as had been already announced, in the Bill. But how far these alterations in any degree or in any way affected the principle of this measure, was a question which their Lordships would have to consider when the Bill came up from the other House. He could only say he believed that these alterations would not materially affect the principle of the Bill, and he considered that his noble Friend had entirely misapprehended that principle by the mode in which he discussed it. This, however, was a question for future consideration and discussion.

EARL FITZWILLIAM: The alterations do not affect the principle of the Bill. But they do this—they render extremely doubtful a most important point—namely, whether that principle will be effective or ineffective; that is the question.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 11, 1851.

MINUTES.] NEW WRIT.—For Dungarvan, *v.* the Rt. Hon. Richard Lalor Sheil, Chiltern Hundreds.

PUBLIC BILL.—1° Religious Houses.

THE INTERMENT BILL.

MR. MOWATT said, the right hon. Baronet the Home Secretary must be aware that great anxiety was felt throughout the metropolis respecting the Bill of last Session for interments out of large towns. He wished to know when the Bill would be carried out, and what were the difficulties standing in the way of its being acted upon?

SIR G. GREY said, the change effected by the Bill had been a very extensive one, and that many preliminary measures were necessary before that change could be made. The attention of the Board of Health was directed to the subject, and they had made arrangements with a view to the general adoption of the provisions of the Bill. They must, however, obtain the metropolitan cemeteries in order that they might be made cemeteries under the Act. Negotiations with that view had been going on with the different companies, with some of whom he was afraid that there was no great prospect of coming to any voluntary arrangement. Still, it was only right that the board should have made the attempt; and, if the attempt eventually failed, the requisite notices would be given, and matters would go to a jury, or be settled by arbitration. The desire, however, was to bring the Act into operation at the earliest possible period.

WOODS AND FORESTS.

VISCOUNT DUNCAN said, he deeply regretted that it had fallen to his lot to bring forward this important Motion, the substance of which was, that the gross income derived from the Woods and Forests should hereafter be paid into the Exchequer, and that the necessary expenses for collecting and managing the same should be voted by the House upon estimates annually submitted by Her Majesty's Government. He had most anxiously expected that a similar Motion would have been made by his noble Friend at the head of the Government; and if his noble Friend had shown any disposition to deal with the subject, he (Viscount Duncan) should not have been bold enough to come forward with the present proposition. But, having sat as Chairman of a Committee of that House on the subject of the Woods and Forests, and being well acquainted with many irregularities in that department, he should have been wanting in his public duty if he had failed in bringing forward the Motion on the present occasion. Now, it would be in the recollection of the House, that his noble Friend at the head of the Government had last year proposed to bring in a Bill on this subject. The Bill was brought in and laid on the table; it was, however, postponed from week to week, and at the end of the Session was consigned to the "tomb of all the Capulets," whither so many other Bills had been consigned before it. At the commencement of the present Session, he (Viscount Duncan) had taken the liberty of asking a question with regard to the renewal of that Bill. Having received an unsatisfactory answer from his noble Friend, he now brought forward his own proposition, which was calculated to apply a remedy to the evils of which he complained. Now, he should wish to recall to recollection the year 1848 — a year in which various Committees were appointed with regard to various portions of the revenue. Committees were then appointed with regard to the Army, Navy, Ordnance, and Miscellaneous Estimates; but one of the most important provinces of that House was, to institute an inquiry into the revenue of the Woods and Forests, which appertained to the Crown, and to Her Majesty, and which were placed under the guardianship of the House of Commons. He had moved for a Committee on the subject. A Select Committee was appointed. That Select Committee placed him in the chair, though they might easily have selected a more experienced Member. He had never had an opportunity of serving on a Public Committee before; but he thought it his duty during that inquiry to visit various portions of those domains of the Crown, and he was thus enabled to bring forward in the Committee-room upstairs, and to call attention to, various irregularities which had escaped notice. Now, he desired it to be distinctly understood that he wished to make no attack on his noble Friend at the head of the Woods and Forests. He believed that noble Lord had done his best to remedy the various irregularities; but his wish on this occasion was, not to bring any public charge against a public department, but simply to vindicate a great principle, and to raise the question, Whether it was for the advancement of Her Majesty's service to expend the public money without the control of Parliament? The control he wished to see exercised, was not only over the Office of Woods, but over Government Offices generally, for many of the charges in this department of the Woods was the same as those in the Miscellaneous Estimates; and, therefore, if they wished to incur an expense without the knowledge of Parliament, they had only to defray it out of the land revenue, and omit it altogether in the Miscellaneous Estimates. The management of the revenues was intrusted to three Commissioners, who were responsible only to the Treasury; and the only cognisance the House had of these transactions was a roll of paper, which was brought to the bar about the 12th of August, when the person bringing it in was asked by the Speaker, what he had in his hand? and he replied, "A report." This was printed, and was not in the hands of Members till the end of September or the beginning of October, which was certainly not the best time for Members to study it. No estimates were ever laid on the table. With all due submission, he did not think that this was the way that property should be managed which was intrusted to Parliament by the Crown during the life of Her Majesty, and for which, if by any sudden accident the House was called on to do so, they would be unable to account. He believed that the gross rental of that property, if duly administered, would suffice to maintain the Crown with befitting splendour. He found that the revenue in 1849–50 was 350,000*l.*, and the expenditure 192,000*l.*; a sum of 192,000*l.* was thus spent in the management of a revenue of 350,000*l.* He thought this was a sufficient reason for his demanding estimates on the subject. The land revenues of the Crown were derived from three sources. The first was household property in London (in Whitehall, St. James's, Regent's Park, Tower, &c.); leasehold estates in different parts of the kingdom; fee-farm rents, manors, mines, parks, and other property in the immediate occupation of Her Majesty; the Rolls estate, and several other smaller branches of revenue in England and Wales, Scotland and Ireland, committed by Parliament to the custody of the Commissioners of Woods and Forests. The great national bailiff over all this property was his hon. Friend the Secretary for the Treasury; and, considering the demands on his time, however great his respect for him, he (Lord Duncan) could not but protest against his having so much property committed to his management. With regard to much of this property, when inquiry was made by the Committee over which he had presided as to the rental, the answer returned was, that there was no rental. There was no rental from the property in Wales, in Ireland, in Scotland, or the Isle of Man. There were certain fee-farm rents, which were committed to the care of the Commissioners of Woods and Forests, that were valued at 1,000*l.* a year, and yet, would the House believe it, that these fee-farm rents had never been collected—that they had been totally lost, and that the account of them had only been found, after a long search, in a drawer of the office of Woods and Forests, after the appointment of this Committee. The second branch of the Crown property was the Royal parks of St. James's, Hyde Park, and others in various parts of the metropolis, the produce of which was 11,026*l.*, and the gross expenditure, 64,729*l.* The third portion was the Royal forests, seventeen in number, comprising the New Forest in Hampshire, of 60,000 acres; the Forest of Dean in Gloucestershire, about 20,000 acres; and others, containing altogether about 110,000 acres. This property had been valued at two millions, with an income of 36,393*l.*, and an expenditure of 37,684*l.*, there being an excess of expenditure in a property of the value of two millions. He saw many hon. Gentlemen opposite, who were intimately acquainted with the value of land, and he would ask them if it was not a monstrous thing that property of the value of two millions should produce absolutely nothing to the national exchequer? Do not let the House run away with the notion that this money was not paid for out of the public purse. Let them recollect that this property had been made over by the Sovereign to Parliament to pay for the Civil List, and that if the property was mismanaged, the blame must fall upon the House, and upon no other person whatever. The kings of England were formerly supported by the soil, and not by the system of revenue organised in later times. The estates seized by William the Conqueror, and which had formerly belonged to Edward the Confessor, were of vast extent, and formed "the ancient demesnes of the Crown," as distinguished fom those acquired by escheat, forfeiture, or feudal delinquency. These ancient demesnes it was held impious to alienate. The Crown had, in those feudal times, various modes of augmenting its estates, particularly from forfeitures, and in time might have become possessed of all the land in the kingdom. But the kings of England had ever exercised their right of disposing of the Crown lands to needy favourites and courtiers, and such alienations necessarily made them resort to the Commons for supplies. The Commons were in the habit, at the commencement of every reign, and whenever they were asked for a supply, to have recourse to resumptions of improvident grants, held to be granted only for the life of the Sovereign. Accordingly, in almost every reign, from William the Conqueror to that of Henry VIII., there was a resumption, preliminary to or accompanying a vote of supply. Henry VIII. acquired immense possessions by the destruction of the monasteries, and a vast part of these estates was handed down to his descendants. Charles I. supported himself and maintained his army during the civil troubles by alienating those very estates; and the Long Parliament got rid of almost all that remained in paying the army. At the Restoration Parliament had recourse to a resumption; many of the old estates it was found impossible to resume; but Charles II. in the debates of those times is said to have succeeded to a clear income of 360,000*l.* in money of those days from land alone. On account of the lavish grants made by Charles II., Parliament frequently interfered, and threatened to resume the grants so lavishly made, even as early as 1663. At the end of the reign of William III., the question was again agitated on account of the numerous grants made by William III. to parties who had favoured the Revolution. A Bill for resuming all grants made since the commencement of the reign of Charles II. passed the Commons, but was lost in the Lords. At the accession of Queen Anne, a Civil List Act was passed, by which, in return for 700,000*l.* a year, the Queen placed the hereditary revenues for her life at the disposal of Parliament. A similar arrangement has been made at the commencement of the reign of each of her successors. The wording of the Act is—

> "That the land revenues may be increased, and consequently the burthen upon the estates of the inhabitants of these realms eased and lessened in all future provisions to be made for the civil government."

And it was enacted that no further alienations of the Crown property should be made, and no leases should in future be granted for more than thirty-one years. Within a very short time after the passing of this Act, the Queen sent a message to the House, acquainting them that she had granted a pension of 5,000*l.* a year to the Duke of Marlborough on the Post Office.

"This threw the House into a maze." They addressed the Crown on the subject, but the pension was granted, nevertheless, the Commons stating their alarm lest this should be drawn into a precedent for future alienations of the revenues of the Crown. This grant formed a precedent to numerous other grants of a similar nature; and during the succeeding century one Minister after another, with the consent of Parliament, lavished away the fair demesnes of the Crown upon their supporters. In some instances the Crown property was valued at nothing; in others as much as 10,000*l.* was given by individuals to secure a portion of the property of the Crown. And when, in 1797, commissioners were at last appointed by Mr. Pitt to inquire into the state of the land revenues, they reported that the receipts had dwindled down to somewhere about 5,000*l.* a year; but the commissioners reported that hereafter they might eventually be worth 200,000*l.* per annum. Mr. Fordyce was fortunately at that time Surveyor General, and during the time of his active management the estates of the Crown rapidly augmented in value. On the death of Mr. Fordyce three commissioners of woods, forests, and land revenues were appointed, who were ordered, at first triennially, and, since 1829, annually, to make the fullest reports to Parliament of everything connected with the management, &c., of the Crown estates. Under their management, for a time the Crown rental increased, but unfortunately, in 1832, the Board of Works and other multifarious duties have been subsequently committed to their charge by Parliament, which have very much interfered with their original duties of managing the Crown estates. The first witness examined by the Committee over which he (Lord Duncan) presided, was the Earl of Carlisle, then Chief Commissioner of the Woods and Forests. The Committee had not proceeded far in its labours before they became aware that considerable confusion and irregularity existed in the keeping of the accounts. In order to show this, he would read a copy of a letter from Mr. Anderson, who had been appointed to look into the accounts. He said—

> "The present state of the accounts is as follows:—The ledgers of the department have only been completely posted and balanced to the 31st of March, 1839; all the ledgers subsequent to that date are deficient in consequence of the entire omission of the accounts of the agents or sub-accountants of the department. I need not point out that such omissions affect the whole results of the books for the last nine years. The accounts have only been made up and transmitted to the commissioners of audit for examination up to the 31st of March, 1843, being an arrear of five years. These arrears sufficiently indicate that the system upon which the accounts are kept is wanting in that simplicity and celerity which are essential to the proper despatch of business; but it is also defective in other respects. In addition to complicated transfers between accounts, occasioned by the temporary use of funds belonging to particular accounts to defray services for which the balance may be deficient, the system does not follow out that clear separation of the funds which is required to enable the board to regulate their proceedings with certainty. Thus capital has been blended with income, and the books do not show how far the payments to the Exchequer are justified by surplus income."

The reading of that letter alone would have justified him in making a Motion for estimates being laid before the House. If there had been an annual report of the accounts, such letter could not have been written. After the Committee had examined the Chief Commissioner, by his recommendation they selected the Forests as the first subject of inquiry, because that branch of the department had not been inquired into since 1797. The Royal forests were originally set apart as places of sport for our kings, and being watched with great jealousy, no irregularity took place; but in time the forest laws were not so strictly kept. The forests were governed by officers and laws peculiar to themselves. The forest courts were three in number: the Attachment Courts were held monthly; the Verderers' Courts held three times a year; and the Court of the Chief Justice in Eyre held once every three years. Three sets of officers were appointed: the ranger's establishment to look after the deer; the verderers appointed by the freeholders to look after their rights; and the third were appointed by the Commissioners of Woods and Forests to look after the growing timber. The duties of looking after the growing timber and attending to the deer did not seem to be very congenial. When he (Lord Duncan) went to visit the New Forest, he discovered that the greatest confusion and irregularity prevailed. The Earl of Carlisle had placed him in communication with the deputy surveyor, Mr. J. Reid, who was then manager of the forest. He had not gone far into the forest when he saw timber lying by the road, which did not agree with the catalogue sent to the commissioners. Mr. Reid, in reply to his inquiries, referred him to his solicitor, and set off for France. One of the foremen cut his throat, and another bolted out of the forest. On his coming back and stating what he had seen, the Government appointed Major Freeman to inquire into the matter, and who made a report, which stated in effect—

> "That a great quantity of timber was stolen by purchasers at the time of the periodical sales, and that there was a great deficiency in the lots, and that a great many more trees were accustomed to be cut down than the number stated in the reports."

Major Freeman said that a system of robbery had been going on for years, and every one in the neighbourhood seemed to think that the forests belonged to them. This could not have happened if annual estimates had been laid before the House. He would not go at length into the case of all the forests which he had visited, beginning with the New Forest, and ending with Chopwell, in the county of Durham. In respect to Whychwood, the Committee found that the Crown had been at law with the hereditary ranger, Lord Churchill, for many years; indeed, since 1834; that during that period, though the timber was too thick, no wood had been cut by either party, and that the lawsuit, though it had never been heard, had cost the Crown 7,000*l.*, and that it had never been alluded to in the annual reports to Parliament. The suit had only abated by the death of Lord Churchill, and it was only a chance that it had not been renewed long before this. Before such suits were commenced, the opinion of that House should have been taken as to whether so great an expenditure should be incurred. With regard to another forest, that of Waltham, when he visited it he found it in the greatest confusion, and that almost all the land was appropriated by the neighbouring proprietors, and various lawsuits had been commenced. One lawsuit had been commenced in 1843, and was going on in 1848, which had never been heard of, as usual, and which had been postponed from year to year. He (Visc. Duncan) had asked the Solicitor of the Woods and Forests if many witnesses had not been taken to the assizes at Chelmsford; and he stated that about thirty had been taken there for the defendants. A great expense had been thus incurred, while the trial of the case had been postponed, the reason assigned being that the Judge, Mr. Justice Coleridge, had not time to try it. The Attorney General had received a special retainer of three hundred guineas besides his brief fee (and this for merely putting on his wig, for the case was not tried), and he thought there had been a most expensive series of litigation, the greater part of which fell on the Woods and Forests. The public paid this because on the accession of the Queen those estates were handed over to the House; and if they allowed this to go on, they alone would be to blame. An hon. Friend of his had just asked him who paid the Attorney General his three hundred guineas. Why, the Commissioners of Woods and Forests, with the public money. There were five forests in which the interests of individuals were not separated from the Crown, and which remained in the state they were in in 1797; there was another set of forests in which those interests had been separated, and in which the Commissioners of Woods and Forests had been employed in planting oak for the service of the Royal Navy. In the year 1797, when the Royal Commissioners recommended those forests to be kept up, they stated that if they could see any other mode in which the timber for the service of the Navy could be supplied, they would recommend that the forests should be sold, and the proceeds made over to the Crown. In one instance the expensive process of planting oak was pursued at a cost to the country of no less than 43,000*l.* In Chopwell there was an unfortunate hurricane by which a large portion of the wood after it was planted was blown down. In the forest of Salcey in Northamptonshire, an extraordinary appointment had been made in the year 1827—that of Mr. Kent. He took the account of it from the evidence of Mr. Milne, the Second Commissioner. He (Visc. Duncan) asked what was the profession of Mr. Kent; and the answer was that he had been a clerk in a solicitor's office in the City. The hon. and learned Member for the city of Oxford—a Member of the Committee—asked if Mr. Kent had ever had anything to do with the management of timber before; and the answer was that he had not. Mr. Kent went down to Salcey, and remained there six years. He sent in annual reports of his proceedings; and about the end of the six years he sent a letter to the Commissioners, stating that one of his sureties had failed. On this there was an investigation, and it was found that Mr. Kent had cut down timber, and made away with about 4,000*l.* of the profits. He ran away, and some years after he was taken, tried, and transported. The 4,000*l.* was never mentioned in the annual report to Parliament. It was in vain to talk of economy if such practices were allowed to continue, and it was in vain to look to the annual report of the Commissioners of Woods and Forests for information, because they contained no mention of the matters which he had stated. He did not attach blame to the individuals then holding the offices of Commissioners of Woods and Forests, but he did blame the system by which there never was any calling to account of these officers on the part of Parliament; and he must again say that if estimates had been laid before Parliament, there would have been none of these irregularities. These unfortunate persons were the victims of a temptation they could not resist; and it was the want of control by Parliament, of which the House ought to be heartily ashamed, which had enabled them to commit these irregularities. There were no maps or surveys of the forests before the meeting of the Committee; but much of the land which had been good arable land had been converted into plantations of timber for the use of the Navy. That being so, let the House judge of his surprise when he moved for a letter addressed by Mr. (afterwards Sir John) Barrow, the Secretary to the Admiralty, to Mr. Milne in 1833, in which he stated—

> "I am commanded by my Lords Commissioners of the Admiralty to send you herewith a comparative statement of the expense of procuring oak timber from the King's forests, and by contract, and I am to acquaint you that it is no longer the interest of the public to pay 5*l.* a load with all the attendant expenses for timber supplied to the dockyards from the King's forests. If it were desirable in time of peace to secure the continuance of this supply, it would be necessary to open a negotiation for the reduction of price; and it would be satisfactory to learn from you whether the calculation in the enclosed return can be impugned."

Mr. Barrow further stated that the cost of a load of wood from the Woods and Forests was 8*l.* 12*s.* 7*d.*; whereas it could be got from a contractor for 6*l.* 6*s.* This was not stated in the reports presented to the House, and they had not been able to judge if it was worth their while to incur such an additional expense in the rearing of timber. There had been no opportunity of debating the question, or entering into an examination of the true state of things, when they only had such reports as those, and which never came under the eyes of Members of the House. The question he had now to ask was, whether with such instances as he had given of the position in which the Woods and Forests stood, the House would allow the Crown estates to remain in the condition in which they were a year and a half ago? He now came to the question of the management of the estates, and he thought he should be able to show such results as fully to justify him in making this Motion. Previously to the appointment of the Committee, the present Duke of Newcastle, who had been Chief Commissioner of the Woods and Forests, moved for a return of the income and expenditure of the Woods and Forests for the last ten years, which had been laid before the Committee, and he would read the results of that return:—The gross income of the Woods and Forests for seven years, 1842-3—1848-9, was 2,446,785*l.*; the sums paid into the Exchequer during the same period were only 774,000*l.*; the difference, or amount withheld, was 1,672,785*l.* The expenditure by the return appears to have been during the same period, 1,555,085*l.* The difference is an increase of the balance in hand, 117,700*l.*; to account for the expenditure of which no subsequent returns have yet been laid before Parliament. The gross receipts for the land revenue in seven years (in round numbers 280,000*l.* per annum) was 1,983,924*l.*; the expenditure charged on the same (about 90,000*l.* per annum), 637,644*l.*; being a charge of 30 per cent on that branch of the Crown revenue, which consists mainly of rents. The gross receipts for the Royal forests in seven years were 271,563*l.* This sum includes the produce of the mines in Dean Forest for the six years 1842-43 to 1847-48 inclusive, which may be taken at a net sum of say 21,000*l.*, leaving the produce of the forests 251,563*l.*; the expenses during the same period amount to 274,989*l.*, showing a clear loss of 23,426*l.* during seven years on a property of the value of 2,000,000*l.* The gross receipts for the Royal parks in seven years are 191,308*l.*, this sum including 72,000*l.* secured from the Duke of Sutherland for the sale of York House, applied to the formation of Victoria Park. The expenditure in the parks for seven years (1842-43 to 1849-49) is 640,452*l.*, showing a surplus expenditure in the parks in that period of 449,144*l.* In the seven years only about 32 per cent of the whole revenue collected has reached the Exchequer; and in one year, 1847-48, only 18 per cent of the sum collected reached the public purse, namely, 61,000*l.* paid in out of 340,599*l.* collected. The gross income of Woods and Forests for 1848-49 was 340,275*l.* 5*s.* 1*d.*; the gross expenditure

207,485*l.* 10*s.* 8*d.*; the surplus income was 132,789*l.* 14*s.* 5*d.* Amount paid over to the Exchequer in part of the surplus income of the year 81,000*l.*; leaves unaccounted for, 51,789*l.* The gross income of Woods and Forests in 1849-50 was 349,097*l.* 5*s.* 2*d.*; the gross expenditure, 192,102*l.* 17*s.* 11*d.*; surplus income, 156,994*l.* 7*s.* 3*d.* Amount paid over to the Exchequer as surplus income, 200,000*l.* Thus there was paid over more than received, 43,006*l.* When they came to look further into the matter, they came to an item of expenditure which threw all others into the shade, and which he would read to the House. It was extracted from the appendix to the report of the Committee of 1848, and which contained a return of the law expenses paid to the Solicitor of the Woods and Forests in seven years. It was as follows:—In the years 1842, 9,132*l.* 17*s.* 1*d.*; 1843, 9,763*l.* 2*s.* 11*d.*; 1844, 11,524*l.* 11*s.* 3*d.*; 1845, 8,279*l.* 3*s.* 8*d.*; 1846, 11,393*l.* 6*s.*—total in five years, 50,093*l.* 0*s.* 11*d.*; 1847, 15,639*l.* 3*s.* 4*d.*; 1848, 13,509*l.* 1*s.* 1*d.*: total, 79,241*l.* 5*s.* 4*d.* This was the amount paid to the London solicitor alone, besides which there were other bills in Edinburgh and Dublin, that in Edinburgh amounting to about 3,000*l.* a year, besides bills on other places. Parliament had had no opportunity whatever of inquiring and deciding whether it was right or wrong that those enormous sums should have been expended in legal expenses. Then he found that considerable expense had been incurred on account of a lawsuit between the Queen and Her faithful city of London, commenced in February, 1844, and still going on, relating to the bed or soil of the River Thames. He contended that annual estimates of these items should be laid before Parliament, so that Parliament should have the opportunity of supervising them, and expressing their opinion. The propriety of the charges which he had cited as having been incurred in these instances might be unquestionable; and if they were correct, Parliament would no doubt have made provision for them, if they had been consulted, and their authority applied for, as it ought to have been, before those expenses were incurred. But the House ought to look with considerable jealousy at the existence of this power of incurring and defraying expenditure, however discreetly it might be used, without its sanction. The existence of such a power was inconsistent with the full and efficient excercise of that authority which was vested by the constitution in the House of Commons alone. He would trouble the House with only one fact more, that from 1832 to 1848—sixteen years—property which had been committed to the custody and guardianship of Parliament, had been sold to the extent of 696,000*l.* One part had been sold for 345,000*l.*, and it was a private treaty between the Commissioners on the one hand, and private persons on the other. Now, the 10 George IV., cap. 50, which was the Act under which the property was managed, provided, and very properly, that money derived from sales of land should be invested in other property to an equal extent. In the report of the evidence it would be found in the examination of the Second Commissioner of the Woods and Forests, Mr. Milne, that the sums of 300,000*l.* had been invested in property which had not proved very profitable. Now, he asked the House who should be able to explain such a case as this? He sincerely thanked the House for the patient and indulgent hearing which they had granted to him; and he submitted, that he had made out a case. If the charges now stopped out of the annual income of the Woods and Forests were annually voted, the public accounts would be much more intelligible. He might cite as an instance the Votes of Class 1—Miscellaneous Estimates—being the charges for palaces, parks, gardens, &c.; which, as they required the annual sanction of the House of Commons, it might be fairly inferred to comprehend all the charges. But that was not so; for there were further sums expended on the same account out of the land revenues, which did not come under the sanction of the House, The true cause of the evil was, it appeared to him, that the expenditure of the Board of Woods and Forests, so far as the land revenues were concerned, was wholly removed from the supervision and control of Parliament. He was of opinion that no half measures would bring this department under proper and efficient control; that nothing short of a full constitutional check, as stringent as that which existed with respect to other departments of expenditure, and nothing short of an annual vote upon detailed estimates, would secure to the public the full benefit of improved management in the shape of increased revenue. The simple remedy, then, that he proposed was this, that the control of Parliament should be called in, and that the management of the Woods and Forests should be subjected, like the other departments, to the superintendence of Parliament—that all the proceeds should be paid regularly into the Exchequer—and that not one farthing should be paid out of the Exchequer without a vote of the House of Commons. He should be told, perhaps, that the circumstances he had mentioned were casual, and had happened at unfortunate moments. His answer to that would be, that his documents proved that mismanagement had commenced almost from the first. He found that the Commissioners of Public Accounts, appointed in 1711, had thus reported in 1713:—

> "Though the land revenue of the Crown in England has been extremely reduced by the sale of fee-farm rents, and by many exorbitant grants, since the Revolution, yet it is still too considerable an article to be omitted by your Commissioners; and we take leave to remark, that we find, in our examination of the general incomes and issues of the Exchequer, that the sums there brought to account of late years are much smaller than would have arisen even from what remains of this revenue, if due care had been taken by those intrusted with the management of it. We are unable to offer any perfect state of this revenue. The papers and rolls connected with it have been kept in so little order, and the several receivers are so uncertainly charged (some with rents which have been lost or unknown for many years, others with such as have been sold or granted away), that nothing to be relied upon can be collected by the accounts as they now stand. The methods for the regulation and collection of this revenue are plainly laid down in several Acts of Parliament, and the neglect of them hath been the cause of the confusion we find in the accounts of those concerned in it."

But he had another authority, which would be received with attention and respect by the House; for it was the authority of his noble Friend at the head of the Government. On the 22nd of February, 1850, his noble Friend said—

> "Experience has shown that the combination of these offices has led to the imposition of very large and undue charges on the land revenues of the Crown for the purpose of public works, and that the First Commissioner of Woods and Forests, being a person connected with a political party, is not so well fitted for the management of the Department of the Woods and Forests as a person would be who was totally unconnected with a political party."

His noble Friend had then proposed a separation of the Departments of Woods and Forests, and to have three Commissioners, two of them salaried, who should have the management of the land revenues of the Crown and the Woods and Forests, neither of them to be capable of sitting in the House of Commons; but the Office of Works to be a political office, and capable of being held with a Parliamentary seat. His noble Friend then went on to say—

> "By this proposed separation we get rid of what has frequently happened, namely, that, when large expenses have been incurred for certain public works, the sums were raised by making them a charge on the land revenues of the Crown; whereas the object being the formation of public parks, or the improvement of streets in the metropolis, or in Dublin or Edinburgh, the expense should rather have been thrown on the general revenue of the country."

His noble Friend then observed, "There was no saving effected by this;" and went on to say, "but this system was certainly calculated to keep from the public view the large expenses incurred in these cases." And, further on, he said—

> "The new arrangement will, I hope, be found to bring the expenses incurred for public works more specifically under the notice of Parliament, and to secure a better management of accounts." —[3 *Hansard*, cviii., 1318–20.]

On these grounds he made his appeal to the House. Those hon. Members who thought that the present management was good and effective, would be justified in voting against the Motion he proposed. But he asked the support of those Gentlemen who concurred with him in thinking that it would be beneficial to have annual estimates laid upon the table, and that the House ought to demand those estimates, both for the present good and for the prospective benefit of the revenues of the Crown.

Motion made, and Question proposed—

> "That whereas it appears, by returns laid before this House and before the Select Committee of Woods, Forests, Works, &c., that, during a period of seven years (from 1842–3 to 1848–9), the gross income derived from the possessions and land revenues of the Crown has amounted to 2,446,785*l.*, and that out of this sum only 774,000*l.* has been paid into the public account at the Exchequer; and whereas, during the same period, it appears that a sum amounting to 1,672,785*l.* has been withheld for charges of collection and management, and for other expenses charged upon the said revenues, it is expedient, with a view to place the expenditure of this branch of the public service under the more immediate control of Parliament, that the gross income derived from the said revenues should hereafter be paid into the Exchequer, and that the necessary expenses for collecting and managing the same should be voted by this House, upon estimates to be annually submitted to Parliament by Her Majesty's Government."

MR. HUME seconded the Motion.

LORD SEYMOUR said, that his noble Friend who brought forward the Motion now before them had given much attention to the subject—had given attention to it not only in Committee, but by an examination of papers, by visiting Crown property, and making himself acquainted with every important fact relating to the land revenue. Therefore, his opinion ought to have great weight with the House; but, in considering the resolution then before them, he would venture to say for himself that, as regarded the greater portion of the resolution, he was in a position to form as independent an opinion as any Member of that House respecting the manner in which the affairs of the Board of Works had been conducted; because during the period that elapsed between the years 1842 and 1849—during that period of seven years he was no more responsible for the conduct of the department of the Woods and Forests than any other Member of the House; he, therefore, was enabled to pronounce an opinion concerning it with as much impartiality as any one then present. Before he went to that office he had heard much of the mismanagement of its affairs. He expected to find the land revenues greatly diminished—so much diminished that whenever the land might revert to the Crown there would appear a marked disparity between its former and future condition. He, therefore, immediately asked for returns of the gross amount of the land revenue extending back to the period of Fordyce's report, namely, 1794. From that time to the present he obtained returns, a summary of which he proposed now to lay before the House, and he ventured to think that that short statement would show the department was not so much to blame—that it was not in that lamentable position which had been represented. He found that in the year 1789 the land revenue amounted to 19,600*l.*; in 1799, to 21,600*l.*; in 1809, to 43,000*l.*; in 1819, to 120,200*l.*; in 1829, to 183,100*l.*; in 1839, to 188,400*l.* (paid into the Exchequer, 150,000*l.*); in 1849 and 1850, to 203,300*l.* (paid into the Exchequer, 200,000*l.*) Under the authority of Parliament, the rents of the land revenue were wholly diverted from the Exchequer for the purposes of the improvements in Regent-street and the Strand; in 1837, these purposes having been accomplished, the surplus rents were made available in aid of ways and means, and continued annually to be so ever since. Between the years 1829 and 1839 certain lighthouses, belonging to the Crown, were transferred to the Trinity Board, by which the rental of the Crown property was diminished upwards of 10,000*l.* per annum. The Irish land revenue was transferred to the Commissioners of Woods in 1827. In 1828 it amounted to 56,400*l.*; in 1829, to 60,800*l.*; in 1839, to 53,200; in 1849, to 54,200*l.* The greater part of the Irish land revenue consisted of fee-farm, or unimprovable rents, of which there had been sold, in the aggregate, upwards of 6,000*l.* per annum since the transfer. The Scotch land revenue was transferred to the Commissioners of Woods in 1832. In 1831–2 it amounted to 14,900*l.*; in 1849–50, to 26,800*l.* The revenue of the Isle of Man was transferred to the Commissioners of Woods in 1827–8. In 1827–8 it amounted to 1,400*l.*; in 1829–30, to 2,100*l.*; in 1839–40, to 5,400*l.*; and in 1849–50, to 5,000*l.* He thought that that summary, though necessarily brief, went far to show that the affairs of the department had not been so grossly mismanaged as the representations made on the subject might have led the House to suppose. As he happened to have been in town attending Parliament and otherwise occupied here during the past year, his attention had been turned more to the property of the Crown in London than to its possessions in the country. Now, the Crown rents from the property of the Crown in London amounted in the year ending on the 31st of March, 1850, to 137,885*l.* The cost of collecting that revenue was only 1,000*l.* At all events there was not such bad management there. He now came to the statement of his noble Friend, who told the House that the gross income of the Crown property during the seven years to which their attention had been especially directed amounted to 2,446,785*l.*, and that during those years only 774,000*l.* of that sum had been paid into the Exchequer, his noble Friend at the same time adding that a sum of 1,672,785*l.* had been otherwise expended, of which expenditure he seemed to suppose that the House had not been sufficiently informed; that, somehow or other, those funds had altogether evaporated without the knowledge of Parliament, and without the proper exercise of its control. He had, then, in the first place to observe, that the balance to the credit of the land revenues of the Crown amounted in the month of April, 1849, to 145,269*l.*, and that sum was to be deducted from the 1,672,785*l.*, because that money had not been spent; it was available for future purposes. But not only that, he found that a large sum had been taken for other purposes, not by the office of Woods—not by the Government, but by Parliament. A sum of 116,920*l.* had been appropriated to the formation of Victoria Park by an Act of Parliament, which was, he thought, as clear and distinct a way of expressing their opinion of the application of any money as by any vote of the House. That would reduce the amount again to 1,410,596*l.*, and to that sum he would now address himself. Of that amount a considerable portion was disposed of by permanent charges, fixed by old Acts of Parliament, principally in the time of Charles. All those payments were given at full length in the appendix of the Committee's report. They consisted of permanent charges on the land revenue, 138,600*l.*, and augmenting the fund known as Queen Anne's Bounty, 78,000*l.* They amounted in the seven years to 216,000*l.*, which must be deducted from the 1,410,596*l.* All that was taken by Act of Parliament from the 1,672,785*l.* which his noble Friend said was withheld for charges of collection, &c. But by whom was it charged? It was charged by Parliament, and with the knowledge of Parliament. Last year his noble Friend at the head of the Government stated that it was most desirable the office of Works should be separated from the office of the Woods and Land Revenues—that it was most desirable that a Bill should be brought in, and that whatever expenditure took place in the office of Works should be voted, and that the office of Woods and Land Revenues should be a mere department subordinate to the Treasury. It seemed to him, therefore, that the proper remedy for the statement made by the noble Lord the Member for Bath, was, to advance the Bill which the noble Lord at the head of the Government had distinctly pledged himself to introduce. He (Lord Seymour) confessed he was desirous—as he had been told that he would have to take charge of some Bills as regarded the Forests—he was anxious to make himself so far acquainted with the office and with the details, that he might be able to be of use in the House. He was, therefore, very glad to have had the opportunity during the last few months, not only of making himself acquainted with the details, but of visiting most of these forests himself. And, therefore, he should be prepared to take part in conducting those Bills through the House, although he might be, by the Bill for the division of the office, no longer connected with the office of the Woods, but merely connected with the office of Works. When that was done, he would just show to the House what they would have to vote. The votes for the London parks would form a very large portion of the expenditure, and he did not think that the House would very much reduce that expense. Any one who turned to the last report of the Commissioners of Woods and Forests, pages 78 and 79, would see the amount of details which they would be called on to vote—the draining of a small property in one county, the repairs of a farmhouse in another, the contribution towards the construction of a road, the assistance to a farmer to drain his land—all these things formed sums of money over which he confessed he very much doubted if the House could ever exercise any efficient control. He was perfectly aware, having served on many Committees upstairs, that if there was one principle more clear than another, in the majority of instances, it was that the House might lay down rules, establish good principles, find out former difficulties, warn them from those difficulties in future, lay down a general guide for the conduct of any department, but could not exercise any effective control over the expenses. It was hopeless to expect it if they had these small details to investigate; and it would be found much better to lay down some good principles of management. He regretted that that Committee over which his noble Friend had for two years so ably presided had not come with any conclusive report—had not laid down any broad general principles showing how, for the future, the property of the Crown could be best managed. For his (Lord Seymour's) part, he thought they must still go back to the reports of 1793 and 1794, if they would know how best to improve the property. When he went to the office of Woods and Forests he was anxious that there should be some improvement in details. He applied to the Treasury to institute an inquiry into the detailed working, with the view especially as to the payment of law expenses. He said that the law expenses were undoubtedly enormous. But when he saw how much had been recovered and how much in former years had been lost, he saw no ground for much complaint upon that item, which was before unexplained. He thought it would be ineffective if left to Parliament to control the amount of expenses; and in the next place he thought it would be impossible to carry out the Resolution of the noble Lord the Member for Bath, and also to carry on the Bill for the division of the offices. He thought it would be much better to divide completely the office of Works from the office of Land Revenue, so that the expenditure of the one would appear to Parliament, and the other would be a mere source of income. Facilities were afforded by the junction of the two offices, and the junction led to practices which had no doubt prevailed, and in order to stop those practices it was most desirable to divide the offices. There were one or two points of detail which he wished to notice. His noble Friend had read the account of the receipts and expenditure of the Forests for the last year, in which no doubt it appeared that the expenditure and the income were nearly balanced. But if his noble Friend had looked at the end, he would have seen there was a sum to be received from the Admiralty, for timber gone to the Navy, but not yet received. Under an arrangement with the Admiralty, the timber was not paid for until it was received at the dockyards, and some delay arose. The money for the timber had not yet been received, and it was rather hard to be trying the receipts and expenses before they had the receipts. Complaints had been made that the report of the Commissioners was not laid on the table early in the Session. By the Act of Parliament it was to be made up to the end of March. It was obviously impossible, if the accounts were to be completed to the end of March, that they could have them in February. He thought it would be impossible for the House to agree to these resolutions, because the House could not agree to any resolution which really did imply what certainly was not the case, and which he did not think his noble Friend intended to imply, that 1,672,785*l.* had been laid out without any control. It was too much to say that Parliament had had no control over that sum, when, as he had already shown, by an Act of Parliament, 116,920*l.* was applied to Victoria Park itself. What he would propose to the House as an Amendment to his noble Friend's Resolution would, he thought, under all the circumstances, meet the real requirements of the case, and be best calculated to promote the interests of the public service, and to advantage the Crown property, in reversion as well as at present. The course would be to proceed with the Bill of which his noble Friend at the head of the Government gave notice at the beginning of the Session, and he would therefore move an Amendment to that effect.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'leave be given to bring in a Bill to make better provision for the management of the Woods, Forests, and Land Revenues of the Crown, and for the direction of Public Works and Buildings,' instead thereof."

MR. HUME said, there was a misunderstanding between the noble Lord the Chief Commissioner of Woods and Forests, and his noble Friend the Member for Bath, because the first part of the resolutions moved by his noble Friend consisted of a declaration of certain results which the noble Lord admitted to be the case. [An Hon. MEMBER: He has denied it.] The noble Lord admitted the results; the only question was the manner in which the difference was explained. What his noble Friend wanted was, that the gross income derived should be paid into the Exchequer. It was not inconsistent to concur in that, and also in the giving leave to bring in the Bill of the noble Lord also. He (Mr. Hume) should therefore advise the House to affirm the original Resolution, and also the Amendment, and then when the Bill came in they should see how far the enactment would carry out the proposition of his noble Friend, which he submitted was perfectly consistent, reasonable, and proper. He acknowledged the force of the statement of the noble Lord the Chief Commissioner of Woods and Forests, because he (Mr. Hume) recollected that, when a number of allotments were made in the Forest of Dean, the noble Lord urged the keeping the public revenue and the revenue of the Crown separate and distinct; but that would not affect the course which was now proposed to be observed in future.

SIR B. HALL thought the House and the country very much indebted to his noble Friend the Member for Bath, upon the clear and admirable manner in which he had brought the subject before the House. He should like to refer to a few words which had fallen from the noble Lord the Chief Commissioner of Woods and Forests, in which the noble Lord had observed that he was answerable for the management of that department for a short period only during which he had presided over it. Holding the position which he (Sir B. Hall) did as a metropolitan Member in the House, his duties had given him opportunities of observing the manner in which the noble Lord conducted the department; and he felt bound to say that he had never seen a public officer more anxious to prevent the continuance of the abuses which existed, or more anxious to remedy them. He had always found the noble Lord desirous to do that which was most advantageous to the public without reference to individuals. But admitting this, he must add—referring to the speech of the noble Lord—that he had not successfully controverted the speech of his noble Friend who had brought forward the Motion, who had admitted that the property of the Crown had for several years increased in value. Why, it must have increased in value even under that bad management for which that department was so proverbial. The noble Lord the Chief Commissioner of Woods and Forests had mentioned an instance of the rise in the value of Crown property, and had stated that a property which in 1789 was valued at 19,000*l.* was now worth upwards of 200,000*l.* He (Sir B. Hall) could mention a more remarkable instance than even this. In the county with which he was connected, the property which in 1789 was worth 97,000*l.*, was now of the value of more than a million of money; and this increase in value had taken place in a great measure in consequence of the admirable manner in which it had been managed. It would be of the greatest advantage not only to the Crown but to the country, if the property of the Woods and Forests was considered as one of the incumbered estates, and was disposed of in such a manner as to realise the highest amount of revenue. Had the present subject been brought forward more frequently, there was little doubt the management would have been placed on a different footing from what it was at present. He could not pretend to say what the Bill would be which was to be brought in on this subject by his noble Friend at the head of the Government. The substance of it they knew, but of course its details they could not divine. If there were any particular words or expressions in the Motion to which objection could be taken in point of form, these might be modified; but he thought the House should adhere to the substance of the resolution, in order that they might have an opportunity of inquiring into the gross mismanagement of this property, and make it valuable to the Crown and the country as far as it was practicable to do so.

Sir B. Hall

Sir H. WILLOUGHBY supported the Resolution for two reasons—first, that a very large sum of money was received and expended by the Commissioners; and, second, that as regarded a large portion of that expenditure, there was no check at present. He would, however, take rather a wider range than the noble Lord the Member for Bath, with respect to the accounts. He would take a period of eighteen years. The sum received by the Woods and Forests during that period, was 7,340,000*l.*, the expenditure was 6,030,000*l.*, and he was sure his noble Friend opposite would admit that a very large portion of that sum was in no way directed by Act of Parliament. So that for that period there was only an annual receipt of 75,000*l.* in round numbers. That, however, was a delusive sum, because a system was carried on of selling the capital of this property; and it appeared that, within the last eighteen years, 1,200,000*l.* had been added to the capital. From 1831 to 1842, 744,000*l.* of capital had been sold; from 1842 to 1849, 133,000*l.*; and in 1839 there was a sale of Crown lighthouses, for which 300,000*l.* was obtained. If the ordinary course of examining expenditure in that House had been adopted, it would have been impossible for those matters to stand in the position in which they now did, because, when they asked the Commissioner, Mr. Gore, how the money had been expended, he would only say, that a great portion of it had been expended unproductively. The Woods and Forests received revenue, they sold capital, and they borrowed. There was an enormous mass of debt for which the land revenue was made security, which, in March, 1850, amounted to 1,115,000*l.* He now came to the question as to whether any check upon the expenditure existed, and in order to show that there did not, he would only refer the House to the evidence of Messrs. Wells and Dorinton, and Mr. Anderson. From the evidence of the former gentleman, it appeared that a sum of 11,000*l.* had been expended in 1842, for which there was not any voucher, not even a Treasury letter or a warrant. There was another case quoted by Mr. Anderson, of a sum of 48,000*l.* in 1848, which was wholly unaccounted for. There was also a decrease in the annual revenue of 15,000*l.*, which was not accounted for. No audit took place, and he defied any hon. Member to read the evidence of those two gentlemen, and not come to the conclusion that no check existed. He was willing to admit the noble Lord at the head of the department was one of the most likely Gentlemen in that House to perform the duties of the office, and therefore he must not be understood as attacking individuals, but a system. Some alteration was required, and the proper way to get at the bottom of the difficulty was to have it considered by a body of Gentlemen assembled in a constitutional manner in that House.

Viscount DUNCAN said, it was not his intention to detain the House at that hour with many observations. He thought, however, that his noble Friend the Chief Commissioner of Woods and Forests, had misunderstood his Motion. He (Lord Duncan) did not say that the money was withheld from Parliament, but that it was withheld from payments into the Exchequer. He had taken the returns as his authority. The noble Lord the Chief Commissioner would find in the returns that the gross income derived from the possessions and land revenues of the Crown had amounted, during the seven years quoted, to 2,446,785*l.*; that of this sum only 774,000*l.* had been paid into the Exchequer; and 1,672,785*l.* had been withheld for charges of collection and management. There was still, however, a large sum left which had never been paid into the Exchequer. With regard to the speech of his noble Friend, he begged to say that he did not grapple with the great question at issue—the great principle as to whether the House should have the control or management of the public money. That was the principle he asserted. With that principle the noble Lord did not grapple. The noble Lord had promised them a Bill He had done so last year also. If his (Lord Duncan's) Motion were carried—and he hoped it would be carried—he could assure the noble Lord that, in the event of his bringing in a Bill of the proper description, he (Lord Duncan) would give it his support. He begged, however, to ask his noble Friend if they would bring in a Bill embracing the principle that the money should be paid into the Exchequer? He called on the House to stand up for the principle that they had a right to the control and management of the public revenue.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 120; Noes 119: Majority 1.

List of the Ayes.

Adderley, C. B.
Alcock, T.
Anderson, A.
Arkwright, G.
Baillie, H. J.
Baird, J.
Bankes, G.
Barrow, W. H.
Blair, S.
Blake, M. J.
Booker, T. W.
Bright, J.
Brown, W.
Carew, W. H. P.
Chichester, Lord J. L.
Cobden, R.
Coles, H. B.
Copeland, Ald.
Crawford, W. S.
Deedes, W.
Disraeli, B.
Drummond, H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncan, G.
Duncombe, hon. A.
Dundas, G.
Dunne, Col.
Edwards, H.
Evelyn, W. J.
Ewart, W.
Fagan, W.
Fellowes, E.
Forbes, W.
Fordyce, A. D.
Fortescue, hon. J. W.
Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Gibson, rt. hon. T. M.
Goddard, A. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Greenall, G.
Grogan, E.
Halford, Sir H.
Hall, Sir B.
Hardcastle, J. A.
Hastie, A.
Henley, J. W.
Heyworth, L.
Higgins, G. G. O.
Hodgson, W. N.
Hornby, J.
Hotham, Lord
Humphery, Ald.
Jackson, W.
Jermyn, Earl
Jones, Capt.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Lennox, Lord H. G.
Lindsey, hon. Col.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lushington, C.
Mackenzie, W. F.
Mackie, J.
Macnaghten, Sir E.
Meagher, T.
Mangles, R. D.
Manners, Lord J.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Molesworth, Sir W.
Moore, G. H.
Morgan, O.
Morris, D.
Mowatt, F.
Noel, hon. G. J.
O'Brien, J.
Packe, C. W.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Portal, M.
Power, Dr.
Power, N.
Prinsep, H. T.
Romilly, Col.
Rushout, Capt.
Salwey, Col.
Scholefield, W.
Scully, F.
Sidney, Ald.
Smollett, A.
Spooner, R.
Stanley, E.
Stanley, hon. E. H.
Strickland, Sir G.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Tyler, Sir J.
Urquhart, D.
Verner, Sir W.
Waddington, H. S.
Wakley, T.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Williams, W.
Willoughby, Sir H.
Wodehouse, E.
Wynn, H. W. W.

TELLERS.
Duncan, Visct.
Hume J.

List of the Noes.

Adair, R. A. S.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Baring, T.
Bellew, R. M.
Berkeley, Adm.
Birch, Sir T. B.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Bunbury, E. H.

Busfeild, W.
Buxton, Sir E. N.
Cardwell, E.
Cayley, E. S.
Clay, J.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Dawson, hon. T. V.
Douglas, Sir C. E.
Dundas, Adm.
Ebrington, Visct.
Ellis, J.
Elliott, hon. J. E.
Evans, W.
Fergus, J.
Ferguson, Sir R. A.
Forster, M.
Freestun, Col.
French, F.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Hallyburton, Lord J. F.
Hamilton, Lord C.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heathcoat, J.
Heywood, J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Kildare, Marq. of
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawley, hon. B. R.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Mackinnon, W. A.
Mahon, The O'Gorman
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Moffatt, G.
Norreys, Lord
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, Col.
Pendarves, E. W. W.
Perfect, R.
Peto, S. M.
Pinney, W.
Rawdon, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Sandars, J.
Seymour, Lord
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stafford, A.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Tancred, H. W.
Thornely, T.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Tufnell, rt. hon. H.
Wall, C. B.
Watkins, Col. L.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Main Question put, and agreed to.

SUPPLY—NAVY ESTIMATES.

Resolutions reported.

On First Resolution,

Motion made, and Question proposed, "That the said Resolution be now read a Second Time."

Mr. HUME said, he should not trouble the House by dividing on the items contained in this report. He would content himself by placing amongst the records of the House the reasons that induced him to ask for a reduction of the number of men proposed to be voted for the naval service. He therefore begged to move a Resolution to that effect.

Amendment proposed—

> "To leave out from the word 'That,' to the end of the Question, in order to add the words, 'in accordance with the prayers of numerous petitions for relief from the burthen of taxation, and especially with the view of affording relief to the distress now existing amongst the occupiers and owners of land, it is the duty of this House, before voting the number of seamen and marines for the naval service of the ensuing year, to take into its serious consideration in what manner, and to what extent, the number of men and ships can be reduced without detriment to the public service. That with reference to the squadron on the west coast of Africa, it is the opinion of this House that it should be altogether dispensed with as inefficient for the purposes for which it was designed, and therefore a useless addition to the naval establishments, the support of which unavoidably forms so large a part of the public expenditure of the country. That with regard to the general services of the Navy, it appears by the returns on the table of the House, that the average number of seamen and marines borne on the books of the Navy, during the four years from 1835 to 1839, both inclusive, was under 30,000; and that this House not being informed of any reasons why the services of the ensuing year should require any larger number, is of opinion that the number of seamen and marines now to be voted, should not exceed 30,000,' instead thereof."

Question, "That the words proposed to be left out, stand part of the Question," put, and agreed to.

Resolution read 2°, and agreed to; other Resolutions agreed to.

The House adjourned at half-after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, March 12, 1851.

MINUTES.] PUBLIC BILLS.—2^a County Rates and Expenditure; Expenses of Prosecutions; Apprentices and Servants.

COUNTY RATES AND EXPENDITURE BILL.

Order for Second Reading read.

Mr. M. GIBSON, in moving the Second Reading of the County Rates and Expenditure Bill, said, that he would content himself on that occasion with explaining to the House the position in which the question stood, without entering at any length into details concerning the plan embodied in the Bill. The subject was already well known to the House, and was fully discussed last Session. The Bill proposed to enable the ratepayers in counties to take some share in the control of county expenditure, and in the assessing of county rates. That was a constitutional principle, and the object of the Bill was to carry that constitutional principle into effect in a practical and working manner. The Bill of last Session had been read a second time without a division, and was then referred to a Select Committee. That Select Committee took what some thought a rather unusual course, that of rejecting the whole of the Bill except the first clause. But in agreeing to that first clause, they agreed to the principle that county financial boards should be established, and that the ratepayers should have a voice in the county assessment, and in the county expenditure. The investigation of the Committee was also useful in enabling the promoters of the Bill to correct many of its imperfections, and to improve its details. The plan of the Bill was founded on the report of the Committee, of which Mr. Speaker was a Member, and which recommended that county boards should be established, composed partly of magistrates and partly of the representatives of the ratepayers. The hon. Member for Montrose had introduced more than one Bill on this matter, and by his last measure he proposed that the component parts of the boards should be two-thirds representatives of the ratepayers, and one-third magistrates. The plan proposed in the Bill before the House was, that the boards should consist of one-half magistrates and one-half representatives of the ratepayers. There had been a misapprehension in the minds of magistrates, that it was intended to charge them with having neglected their duties, and to cast a reflection on their magisterial boards. But he had no such object. The Bill had been supported by petitions representing no particular parties or opinions. There were 214 petitions, and though the number of signatures to them was not large, in consequence of a great many of them being signed by the boards of guardians, on behalf of the ratepayers, they ought to have much weight with the House. Many desirable alterations had been made in the measure since last year; but these were matters of detail to be properly considered in Committee. The appointment of guardians was no longer part of the Bill, and the justices would be elected at the quarter-sessions, and not by the board of guardians; and the board of guardians would not be required to elect out of their own body, but might select any ratepayer.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

SIR J. PAKINGTON wished to be informed how many of the 214 petitions were from boards of guardians?

MR. M. GIBSON could not then say, but he believed the greater portion of them proceeded from those bodies. The principal alterations in the present Bill were these—that the guardians were not to be paid for attendance; that the justices to be on the board were to be elected at quarter-sessions; and that the guardians might select any persons they thought fit to represent them.

SIR J. PAKINGTON considered that he would be able to show that the alterations in the Bill had only rendered it more objectionable and more dangerous than ever. The first important clause was the fourth, by which the new financial board was to be constituted. It was to consist of one of the guardians from each union in the county, with an equal number of magistrates to those guardians. This was the arrangement by which the right hon. Gentleman hoped to achieve an end which he alleged to be so desirable—namely, to introduce a representative system in county affairs. As far as taxation and representation went together, he did not object to it as a sound principle; but in this Bill the right hon. Gentleman sought to apply that principle in a manner very dangerous to the public service. The constitution of the country did not entrust the justices with any power of expenditure. They were limited within the four corners of a long succession of Acts. They had no power to tax, save those which from time to time the Legislature conceded, to enable them to discharge their duties. One of the objections urged against the Bill was, that it would interfere with the functions of the justices of the peace. In the Bill of last year this was only done in general terms; in this, that interference was rendered more specific. The whole of the Bill, from the 12th to the 39th clause, was entirely new. The other clauses to which he wished more particularly to advert, were the 12th and 13th; and he would ask the House and the right hon. Baronet the Secretary of State for the Home Department, whether they were prepared to sanction that all the powers connected with the rural police, which the Act of Parliament entrusted to justices, should be taken away, and transferred to persons consisting of one half of justices and one half of guardians? The disposition of the police force was one of the utmost delicacy, and was only entrusted to justices of the peace by Act of Parliament. It was true that powers were conferred upon the Secretary of State under certain conditions. For instance, should the new board and the justices of the peace come into collision with respect to the management of the police, a reference might be made to the Secretary of State to say whether he would side with the justices or the guardians. It was, in truth, a very great question whether greater powers should not be exercised by the Secretary of State, for the more effectual equalisation of the police force in the counties. The present state of the law was most unsatisfactory. These financial boards, under the pretence of sharing in the administration of the county expenditure, would take away all control from the magistrates over the police force, and also over the management of gaols and lunatic asylums. They took away, insidiously and by a side-wind, the powers which had been entrusted by the Legislature to the justices, as the persons best fitted to exercise them. They would repeal nine Acts of Parliament, from the 9th of George IV. to the 5th and 6th of Victoria. In page 10 of the Bill they would find that the boards were to be entrusted with authority for erecting, repairing, building, or enlarging gaols and houses of correction. Could there be larger words, more unequivocal language? [Mr. M. GIBSON: Read the proviso.] What is the use of the proviso if it contradicts the clause? They had taken too much care that it should be so. [An Hon. MEMBER: Read.] The following is the proviso:—

> "Provided always, that nothing in this Act contained shall give or confer any power or authority to any committee so appointed by the county financial board as aforesaid, to do, exercise, or perform any act, duty, matter, or thing which justices of the peace for counties are enabled, authorised, or required to do or perform within the powers or by virtue of their commissions as justices, but that all such acts, duties, matters, and things shall hereafter continue to be done, exercised, and performed by such justices of the peace for counties as if this Act had not been made."

He very much doubted what the real force of that proviso would be. On the understanding that the constitution of the boards was to be decided in Committee, he had agreed to the second reading of the Bill without a division. He must now beg the attention of the House and the Government to the result of that inquiry. He held in his hand the report of the evidence, and the House would recollect that the Committee was one selected by the right hon. Gentleman—["No, no!"]—that he was chairman of it, and that its constitution occasioned much discontent among Gentlemen sitting on his side of the House no one could deny. The right hon. Gentleman in the Committee brought forward evidence in support of his views; and his first witness was an attorney, a Mr. Roberts, from the county of Lancaster, who, it appeared, had drawn up this Bill, and who, when he came to touch the general remedy for existing evils, showed such complete ignorance that anything more absurd than his evidence was seldom heard of. He, moreover, knew next to nothing of the affairs of his own county. Other witnesses on the same side knew nothing, and could know nothing, on the subject; while, on the other hand, magistrates and other competent authorities were unanimously of opinion that it would be impossible to work such a measure as the one now proposed. He would read an extract from the evidence of Mr. Birley. That gentleman said—

> "We consider that our duties as magistrates would be very much interfered with, by bringing other persons to direct the finance; for instance in many different ways, in the management of the gaols particularly, and in the control to be exercised over the magistrates in calling out special constables, and in many other ways; though, I believe, we are many of us in favour of giving a salutary audit or cheque; still the subject is very much beset with difficulties, because it seems almost impossible for the magistrates to fulfil their particular duties, unless they have the management of the finances of the county."

He would also advert to the evidence of the Earl of Stradbroke, the only witness brought forward by the promoters who, from his habits or his position in life, was calculated to give valuable evidence upon the subject. The Earl of Stradbroke gave his answers in the most frank and honourable manner. He said, in the county of Suffolk there were seventeen unions; so, consequently there would be a board of seventeen guardians and seventeen magistrates; and he observed that they had a good number of magistrates. He was then asked the following question:—

> "In the event of its being required to have a lunatic asylum, would not a central meeting of all the justices of the county take place for that purpose?—Yes, for anything of that sort. What attendance do you suppose would take place then? —Upon a question of such magnitude as that

there would be a large attendance. To what amount should you say ?—From 50 to 60, or perhaps 100 ; it is not possible to say. Would not that large meeting of 50 or 60, up to 100 magistrates, consist of gentlemen having a deep pecuniary interest in the county ?—Yes, of gentlemen having a deep pecuniary interest in the county, and having an anxious desire to do their duty, and consider what was best. But over and above that sense of duty, would not they be men having a large pecuniary interest in the county ?—Certainly. Would not they be large ratepayers?—Yes, either by themselves or through their tenants. Do you not think there would be a great feeling of dissatisfaction created in the minds of that large body of gentlemen having a large pecuniary interest in the county, if they found themselves excluded from their share in the county business ?— I should not be willing to exclude magistrates from any share of the county business at all. Practically, would not this Bill exclude the great majority of them ?—Yes, it would, certainly, if it was confined to 17, no doubt, And for the number excluded you would substitute practically, in your county, from the nature of the county, 17 persons, chiefly farmers ?—I stated that the probability is, that in an agricultural county the majority of those 17 would be farmers, from the fact that in the different unions the majority of the guardians are farmers. That would be the practical result in Suffolk ?—The practical result would be, that the majority would be farmers ; that is to say, men holding large occupations. Does your Lordship consider that, as they would be mostly tenant-farmers, they would be the real payers of the rates ?—I have no doubt that all taxes are paid by the owners of property, and not the occupiers. Would not, therefore, the practical working of this measure in the county of Suffolk be to exclude a large number of real ratepayers, and to substitute for them a smaller number of persons who are not real ratepayers ?—Yes, certainly, to that amount."

This was the frank opinion of that Nobleman. They were not to look to the mere counties, but to take the length and breadth of the land to judge of the working of the measure. He would now come to the conclusions at which the Committee had arrived. In their fourth resolution they stated that the effect of this Bill would be to exclude a numerous body of gentlemen from the transaction of county business, in which, as magistrates and as landed proprietors, they had an immediate and extensive interest, and to substitute for them a small and fluctuating body, who would show less aptitude for business, or who had less interest in the expenditure than those who at present managed it. This resolution was carried by seven to three. The seventh resolution stated that if it should be thought desirable to give to a popularly constituted body the administration of the county finance, still the question was so beset with difficulties that, in the opinion of the Committee, the arrangement of such a measure should be left in the hands of Government. This resolution was carried by eight to two, and the minority consisted of Mr. Charles Villiers and Mr. Cornewall Lewis. He had the highest respect for the opinion of the latter hon. Gentleman; but when it was remembered that he was Under Secretary of State for the Home Deparment, and that the burden of such a measure would, if the resolution of the Committee were agreed to, devolve upon his department, he thought the House would be at no loss to divine the motives of the hon. Gentleman's vote. He would ask the House, then, was this difficult and delicate matter to be left in the hands of a private Member? Were hon. Gentlemen prepared to come down, Wednesday after Wednesday, till the middle of August next, to do battle for the 122 clauses of this Bill—clauses, many of which were not fit to be passed—which never would be passed—and which he believed were never intended to be passed? Was the right hon. Gentleman, who he saw was preparing to follow him, prepared to sanction a measure like this, which, under the pretence of establishing a constitutional principle, did in reality take away one of the most delicate and peculiar, but he believed one of the most valuable, institutions of England—the duties which were now exercised by the unpaid magistracy of England? He warned the House to beware how they tampered with one of the most valuable institutions of the country. At all events, he would be no party to such meddling legislation. He conscientiously believed that, instead of having been improved, the Bill was worse than before; that it was a Bill unjust, uncalled for, and mischievous, and though he stood alone, he would protest against it. He should therefore move that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR G. GREY said, that his hon. Friend who had just moved the Amendment, had so distinctly and repeatedly appealed to him in the course of his address to the House, that he begged to state his views with regard to this Bill. And he would say at once, that although he was not prepared to oppose the second reading of the measure, there were many clauses which, in his opinion, would require careful consideration and much amendment in Committee, if the Bill should be read a second time. He was very far, however, from concurring with the hon. Gentleman in the feelings of alarm and apprehension which he had expressed, and which he (Sir G. Grey) must say he thought were greatly exaggerated with regard to the principle involved in the Bill, or to its probable effects if passed into a law, after the consideration and amendments which a Bill of such magnitude and importance would necessarily receive either before a Select Committee, or a Committee of the whole House, or both. He confessed that the Bill having been before Parliament on two former occasions—he saw no reason why he should not adopt the same course which he had adopted on the former occasions, and that was, to declare his concurrence in the general principle of the Bill—that principle being that there should be an admixture of the representative principle in the formation of the boards; to whom was entrusted the imposition and expenditure of the county rates of England. His hon. Friend himself had declared that he did not object to the principle; that, in fact, he would be the last man to raise any objection to the principle. His real objection, then, must be to the details; and, strong as his (Sir G. Grey's) objections were to the Bill as it then stood, it did not appear to him that they were insuperable or conclusive against the adoption of the principle; or, in other words, he did not think it was impossible to amend the Bill, and allow the principle to be embodied in our legislation for the benefit of the country. He would admit, at the same time, that it would be a great calamity if the magistrates of England and Wales were to be deprived of those functions which for many years they had performed with the greatest benefit to the country, as well as with the greatest honour and credit to themselves. He, for one, would be sorry to see them taken away and transferred to any other quarter. But he must say that he thought his hon. Friend had exaggerated the effects of the Bill, even in its present form. He confessed, however, that there was one of the provisions of the Bill in which he was not prepared to concur, and that was the provision in the fourth clause, which restricted the choice of the boards of guardians to persons who were not magistrates. It appeared to him that the Bill would work better if, instead of making it a disqualification that the persons so elected by boards of guardians were magistrates, it provided that the restriction should be the other way, and that the boards of guardians should elect none but persons who were magistrates to represent them at the financial boards. But upon this point he was not prepared to express a final opinion, though, if adopted, he thought it would be in perfect consistency with the principle of the Bill, and would tend to remove some of the strongest objections of his hon. Friend opposite. At all events, he thought it would be inexpedient to adopt the restriction proposed by the right hon. Gentleman the Member for Manchester. He would not follow the hon. Baronet the Member for Droitwich into the details to which he had referred, because he did not think that that was the occasion to go into details. He would only allude to one point, with respect to which a distinct appeal had been made to him, and that was, as to whether he was prepared to undertake—and the House had also been appealed to whether they would allow him to undertake—the power of determining what should be the amount of the constabulary force in each county irrespective of the magistrates, and even of the financial boards. According to his (Sir G. Grey's) reading of the Bill, it contained no such provision. The duties of forming and organising the constabulary, which were now vested in the quarter-sessions, were by this Bill proposed to be transferred to the financial boards, but subject to the restriction that the Secretary of State, "upon the representation of the justices of the peace for any county," should have power to "order the number of men to be appointed as constables to be increased," that was to say, that if the financial boards in the exercise of an unwise economy should reduce the number of constables below that which the justices thought essential to the safety of the county, the Secretary of State, upon their representation and motion, and not upon his own, was to have power, against the financial boards, to augment the number within the limits imposed by the Acts of Parliament. If his hon. Friend had looked into the Bill more closely, he would have seen that it contained no such provision as that to which he had referred. He begged to say, however, that he saw no reason why those functions of the magistrates which were connected with the impositition and expenditure of county rates, and those which were purely executive, should not be kept entirely separate and distinct; and this he thought had not been sufficiently attended to by his right hon. Friend the Member for Manchester, in the framing of the present Bill. The executive powers, he considered, might be safely retained by the justices, in perfect consistency with the general principle of the Bill. Admitting that there was nothing like a universal or general desire in the country to see a change on this subject, he appealed to the House whether it would not be wise and prudent to anticipate the more general diffusion of the desire which did exist, by showing that they were prepared to consider the question in a proper spirit? This was one of those questions which had no sort of connexion with party politics; and he felt sure that the House would be disposed to enter upon it without allowing such considerations in the slightest degree to affect their judgment. Even in those localities where the desire for change did exist, he did not believe it arose from any distrust of the magistrates with regard to the manner in which they discharged their duties. He had presented a petition on the previous day from the county of Northumberland—not in support of this Bill precisely, but in favour of county financial boards; and the gentleman who sent it to him stated that he did not believe that practically such a measure would make any essential change with regard to the persons who managed the finances of the county; because he had no doubt that most of them would be found after the passing of the Bill just where they were before it. He (Sir G. Grey) believed that that was a general feeling. He believed that it was quite a misrepresentation to say that the magistrates had shown any neglect in the management of the county rates. He believed that so far from that being the case it would be found, that though there had no doubt been a positive increase in the rates, yet relatively, and as compared with the population, there had been a decrease, and that, too, notwithstanding the large expenditure which had necessarily attended the improvement which had taken place in the gaols and lunatic asylums of the country. He held in his hand a report with regard to the county expenditure of Hampshire, in which it was stated that a considerable portion of the items were not within the control of the quarter-sessions, and that no material reduction could be made in the expenditure, except upon those items which were directly under their control. The hon. Baronet the Member for Droitwich had adverted to the resolution of the Select Committee of last Session, to the effect that in their opinion the arrangement of such a change ought to be undertaken by Her Majesty's Government. Last year, when the Bill was referred to a Select Committee—a Committee, he admitted, that was well qualified to deal with the subject—he certainly had hoped that they would render more assistance than they actually did in perfecting the details of the measure. It appeared, however, that they directed their attention rather to the principle than the details of the measure. When a question was addressed to him at the close of last Session, as to whether the Government would undertake to bring in a Bill on the subject, after the failure of the previous Bill, he declined giving any such promise, but stated that during the recess he would consider the evidence taken before the Committee, and then determine what course the Government would take. He had since given his attention to the evidence. He admitted that formidable objections had been brought forward to the details of the former Bill, and he thought that the right hon. Gentleman was right in endeavouring—he would not say with what success—but in endeavouring to meet those objections. He still thought that it might be advisable, if the Bill should now be read a second time, to refer it once more to a Select Committee—not for the purpose of taking evidence, but of considering the details with a view of facilitating the practical working of the measure. On the part of the Government, he would certainly be happy to serve on the Committee, and render it all the assistance in his power; but the Government did not feel that they were called upon to propose a Bill of their own to take the matter out of the hands of the right hon. Member for Manchester.

MR. W. MILES said, the right hon. Gentleman who had just sat down had given the best of all reasons why this Bill should emanate from the Government. He had first of all taken exception to the leading principle of the Bill—that magistrates should not be eligible for election by the ratepayers; and he had even gone so far as to suggest that none but magistrates should be elected. ["No, no!" Sir G. GREY explained.] He had not misunderstood the right hon. Gentleman. Rather than exclude the election of magistrates, the right hon. Gentleman would prefer that none but magistrates should be elected. The principle which the Bill involved was of sufficient importance to warrant the introduction of such a measure by Her Majesty's responsible advisers, rather than by a private Member. It could not be questioned that the Bill, as it at present stood, was liable to many and most serious objections. If the financial boards were to be composed of magistrates elected to serve upon them by the ratepayers, the probability was, that the magistrates so elected would not be the men who had either the largest pecuniary interest in the fiscal arrangements of the county, or who were, from previous habits, the best qualified to take part in financial business. Under the present system, the practice was for the magistrates who assembled at quarter-sessions to select from their own numbers nine Members who were to serve upon the Finance Committee. Care was invariably taken to select only such magistrates as were peculiarly qualified for the management of financial affairs; but no such precaution could be taken under this Bill, for the ratepayers would not be competent to say which of many magistrates possessed the best qualifications in that respect. The members of the financial committee, as at present constituted, enjoyed office for three years; but the Bill under consideration proposed that there should be an annual election—a most injudicious provision, which would cause the continued adoption of new measures, before there had been time to fairly test the old ones. The Bill would upset the authority of the magistracy where that authority was requisite in order to the preservation of peace and the maintenance of public order. The magistrates would be wholly incapacitated from taking any effective measures with a view to the preservation of the peace of the county, if they were to be deprived of the power which they now possessed over the prisons and the police. If there were a strong feeling out of doors in favour of the establishment of such financial boards as were contemplated by this Bill, that House, which was the representative of the opinions of the public, should at once acquiesce in the institution of the boards; but no such feelings really prevailed amongst the multitudinous masses of the English people. Some petitions in favour of the Bill had no doubt been presented from various boards of guardians; but those petitions had been "got up" by a section of the population with a view to the accomplishment of a particular object, in which they had an especial interest; and the boards of guardians, who were aware of the pressure of distress on the agricultural classes, were enticed to sign the petitions by an *ex parte* representation that the Bill might tend to relieve the counties from excessive taxation. But if the boards of guardians had been given to understand how the case really stood, they would be quite indifferent as to the establishment of these financial boards. If both sides of the question were laid before them, they would concur with him in thinking that it would be impossible to make the county expenditure smaller under the new system than it was at present under the old. The magistrates had always done their best to keep down the public expenditure, and they had uniformly exhibited their anxiety to administer the funds with as much economy as comported with the public interest. He held in his hand a return of the expenditure for the county he represented, the county of Somerset, and by that account it would be seen how much the system had, since the year 1834, been altered for the better. Now, in that county the population was upwards of 436,000, and the rates raised during last year for county purposes were only 1¾*d.* in the pound; the whole expenditure of the county, excluding what was paid by the Government for prosecutions, was but 13,025*l.*, whilst at the end of 1849 there was a balance in hand of 4,000*l.*, and at the end of 1850, 8,000*l.* Publicity, too, was an advantage of the existing system, the whole of the business being transacted in open court. But it appeared to him that a financial board like that which the Bill contemplated might decide upon laying out 40,000*l.* or 50,000*l.* for a new prison, without a single opportunity being given to the public to say "nay" to it. As far as the public were concerned, then, he contended that it had gained by the present system, and that whatever other board might be appointed, it would be impossible to conduct county affairs more economically than they were now conducted by that system. He had no objection to urge against the principle laid down by the right hon. Baronet the Home Secretary, that taxation and representation should go together, but he did think that a measure of such magnitude, involving as it would the destruction of a most efficient body of men, and the substitution of persons less competent to the discharge of their functions, should be proposed by the Government, and not left to a private Member to carry through the House. He entirely concurred in the opinion that the Bill was unjust, impolitic, unnecessary, and that in its operation it would be most injurious; and, with this conviction, he would not hesitate to vote in favour of the Amendment.

MR. HUME said, that many of the observations of the hon. Baronet the Member for Droitwich were not applicable to the Bill. He (Mr. Hume) had been asked to serve on the Committee last year, but he declined, because he thought no information was wanted. The hon. Baronet said, that the Bill was mischievously bad, dealt with a delicate subject, and was an attack on the magistrates. If he had been in the House when the Municipal Corporation Reform Bill was discussed, he would have heard the same arguments used. All those who now opposed this Bill would have opposed, and some of them did oppose, the Municipal Corporations Reform Bill; and, therefore, as a matter of course, he expected that they would oppose this Bill. He wished to disabuse the House of the notion that there was any intention on the part of the promoters of this Bill to attack the magistracy of the country. He, for one, had always thought that the magistracy had been of great benefit to the people of this country, though, perhaps, if they had been otherwise appointed, they might have been still more useful. What was wanted was, that the ratepayers should have some control over the expenditure of the money which they contributed; for he put it to the House whether money would not be differently managed if it were put into the hands of men who knew that they were subject to no control, and if it were put into the hands of men who were at any moment liable to be called to account. He was quite ready to admit that more attention had been paid to county expenditure of late years; but of what use was that to persons who paid the rates, and wished to have some control over their management? He was sorry to observe that the right hon. Baronet the Home Secretary objected to the clause in the Bill which provided that the persons to be elected by the boards of guardians should not be magistrates. Now, as one-half of the board was to be composed of magistrates, he would ask, could anything be more fair or just than that the other half should be selected from the body of the ratepayers? It had been said that there would be no reduction of expenditure; but it would give much satisfaction to the ratepayers if they knew that they themselves had had control over the accounts. It might be impossible to exceed the economy of the present management; but still the measure would place the ratepayers upon a better footing, and the magistrates would disentangle themselves from the present contest in which they were engaged with the ratepayers. Upon that principle, and upon the admission of the hon. Gentleman opposite, that the subject ought to be taken up by the Government, the House ought to support the second reading; for if he had not misunderstood the right hon. Baronet the Home Secretary, he was ready to sit upon a Select Committee to consider the details. Much had been said about publicity. He (Mr. Hume) would ask, was there nothing like secrecy? He knew that the accounts of the county of Norfolk were sent to every union, but that was after the expenditure was over; and if anything was wrong, the ratepayers had no power to call the magistrates to account. It was a fallacy to talk of publicity when the control did not rest with the ratepayer. He was perfectly aware that in some, if not in all, counties the courts were open. But what was the use of the ratepayer coming in to hear accounts read and discussions in which he could not join; the ratepayer would say he had no remedy, and that he was most unjustly treated. Was it the way to promote a good understanding between farmers and landlords, to hold out to the tenant-farmers that they were not fit to manage their own affairs—not so fit as those selected and put in by the lord lieutenant, because they possessed a certain number of acres? If a man succeeded to an estate of 5,000 or 6,000 acres, if he was the greatest dolt in existence, he was put into the magistracy. Did hon. Gentlemen opposite think that the film which had hitherto covered the eyes of the tenants, if not already removed, was not gradually removing? The right hon. Baronet the Home Secretary admitted that there was a growing desire among the farmers to possess a control over the county expenditure. They ought not to wait, but to meet the demand of the ratepayers, and place them on the same footing in counties as they were in large towns. The magistrates in boroughs had not lost anything of their efficiency; they managed the police as before, though they had yielded up the management of municipal affairs. The effect of an adverse vote on the part of hon. Members would be to say that the farmers and ratepayers in counties were not worthy to be placed upon the same footing as the ratepayers in boroughs. The hon. Baronet the Member for Droitwich had referred them to the evidence taken before the Committee last year, but that was controversial evidence: and if he had looked to the evidence taken before a Commission which was issued on the subject, he would have found that not a single witness was in favour of the present state of things, and all his objections were met by that evidence. It was not fair to Mr. Roberts to be spoken of in the way he had been, and who was said to be a witness who knew nothing about the matter on which he gave evidence. That gentleman was employed by the county of Lancaster to prepare a Bill. He was asked before the Committee if it would alter his opinion as to the necessity for the Bill if he had been more accurately informed of the details of the mode in which the magistrates did their business; and he said that he came there only to state, that however that business was conducted, all that he wanted was representation on the conduct of expenditure. All that was wanted was the establishment of that principle. The Committee of last year, the Commission, and even the hon. Baronet the Member for Droitwich, and the Member for East Somersetshire, concurred in the principle of the representation of taxation. He confessed that great caution and great prudence ought to be exercised in any change; but he entreated them, after all the admissions he had made, and all the admissions they had made, not to reject altogether a measure which was wise and just, and calculated to promote good understanding between the ratepayers in counties and the county magistracy, and which would elevate them in public opinion, if, in a spirit of independence and liberality, they voted for giving the ratepayers the proper management of their affairs, whilst retaining the judicial functions which they were called upon to exercise.

Mr. WODEHOUSE would not have troubled the House, if the hon. Member for Montrose had not particularly referred to the county of Norfolk. It was perfectly true that the county expenditure had been very materially increased in the course of the last few years, and it was attributable to three causes—for gaols, lunatic asylums, and constabulary police. The cost of the constabulary was between 11,000*l.* and 12,000*l.* per annum; but as that was essential for the prevention of crime, it was hardly open to any objection. The lunatic asylum had been a considerable expense. For many years the county of Norfolk had kept its lunatic asylum cheaper than any other in the kingdom, but the custody of the patients was the only object; now, their cure was also an object; and to no other cause was the great mitigation of lunacy more attributable, than to the improvements in lunatic asylums. He declared his conviction that this Bill was not called for by any general expression of opinion; and he entirely concurred with the hon. Baronet who moved the Amendment, that such was the character of it, seeking to introduce men who from their station in life could not give attention to the business, that he felt it absolutely necessary to vote in favour of the Amendment.

Mr. WILSON PATTEN agreed with the hon. Baronet who moved the Amendment, that this Bill ought to be taken up by the Government. It was in the county he had the honour to represent that the measure had been first suggested. A large meeting of the boards of guardians in Lancashire was held, and he and other parties were appointed a deputation to come up, and request Her Majesty's Government to undertake some measure having for its object the giving control to the ratepayers, upon which point there was a unanimous opinion, though there were differences as to details. And he felt bound to say, in justification of the right hon. Gentleman the Member for Manchester, who had brought forward this measure, that he brought it forward, not because the Bill in detail afforded the best mode of carrying out that unanimous opinion, but because Her Majesty's Government had declined to introduce it. He (Mr. Patten) had heard with great pleasure from the right hon. Secretary of State for the Home Department, that if the House would pass the second reading, he would do almost the same thing as if Government took up the measure—that he would serve upon a Select Committee of this House to consider its provisions, and would exercise that influence which he would always have in any Committee on which he sat, in endeavouring to bring forward a right measure on this subject. He (Mr. Patten) had objections to some of the details, into which he would not then enter; but of this he was quite certain, that there was a growing feeling that some control should be given to the ratepayers, and as he approved that object, he, for one, should vote for the second reading. It was stated by the hon. Baronet who proposed the Amendment, that the pressure of the county rates, as bearing upon the ratepayers individually, had not increased. But in the county which he (Mr. Patten) represented—Lancashire, if the pressure was not greater, there was a much greater anxiety to have more control of so large an expenditure of public money, which, in the gross, had very much increased. He would vote for the second reading, because he was quite certain that, with the aid of the Government, some satisfactory measure, though perhaps not satisfactory to all, would be produced, and the great difficulty, the not interfering with the judicial functions of magistrates, would rest in safe hands. He thought the hon. Member for Droitwich had been, to use an old saying, abusing plaintiff's attorney—that was an instruction which was only followed when the case was very bad. He (Mr. Patten) was not there to defend the witnesses, whom the hon. Baronet accused of so much ignorance; but he must say, if the hon. Baronet wished to damn those witnesses, he should have brought more convincing arguments. It was very well to say the witnesses were fools and idiots, and all of them very dull people, but he should have brought a little more proof; indeed, the hon. Baronet would find that he had misrepresented the point, and that he had not stated the particular answer quite as it stood in the evidence. The hon. Baronet said also, that no one gave evidence in favour of the Bill on county expenditure but persons who knew nothing about the business. He thought if the hon. Baronet took the list of witnesses, he would find he was mistaken. As far as Lancashire was concerned, there was one most respectable magistrate, a man of the highest standing, and who had paid the greatest attention to this subject, and he expressed an opinion decidedly in favour of giving control to the ratepayers over the county expenditure, which he fortified by reasons. The hon. Baronet might say that those opinions were devoid of reason; but he should have shown that they were devoid of reason before giving utterance to such an opinion. Believing the principle of the Bill to be this, that some control should be given to the ratepayers, without going into the details, which would be discussed at a future stage, he should support the second reading.

MR. ELLIS considered that taxation and representation ought to go together. This was not merely a tenant's question; the parties that felt most aggrieved were the small owners of property. They felt they had no representation, any more than the tenants, and that they ought to have some control over the expenditure of their own money. He could bear his testimony to the admirable way the magistrates of Leicester administered the funds; but it was no matter how little they spent, so long as the people had no representation. They were not satisfied, and never would be satisfied. He should be sorry to see any division which might produce bad feeling against hon. Gentlemen opposite, and he suggested that the Bill should be allowed to go a second reading without any division.

MR. HENRY DRUMMOND had presented petitions in favour of financial boards from nearly every board of guardians in the county of Surrey, and he confessed that there was a growing desire on the part of the ratepayers for some such measure; but he was utterly at a loss to know how they could make any Bill which could give any real control. He thought the ratepayers would be completely deceived, and that not one shilling would be saved. He wished to be perfectly fair, and he must say he did not understand how it could be considered they were setting aside the magistrates, by simply asking them to share a part of their duties, especially when they recollected that in the early history of this country these magistrates were all elected by the people. He very much questioned whether this Bill would answer without giving much stronger powers to the Secretary of State than were now assigned to him. He believed they would see at these boards precisely what they saw in poor-law unions: those who possessed only a short-lived interest would be doing like the hon. Gentleman opposite in Government matters, always saying a less sum, without any regard to the adaptation of amount to necessity. Reserving to himself the discussion of the provisions at a future stage, he should not object to the second reading.

SIR H. VERNEY could give testimony to the strong and growing feeling that some Bill of this nature should pass the House, having come from a very sharp

Parliamentary contest, where hardly any point was pressed more strongly upon the candidates by the ratepayers and tenant-farmers than that there should be some representative body to control the expenditure of the country. He thought a saving might be effected in some points of that expenditure; in some counties where the constabulary were introduced, there was one policeman to every 2,000 inhabitants; in others there was one policeman to every 10,000 inhabitants. Clearly both could not be right; it could not be necessary in one county to have only one policeman to every 10,000, when in another there was one policeman to every 2,000 persons. If a good principle of constabulary were carried out, he believed the country could be "policed" for a very much smaller sum than at present, and that a saving of one-third might be effected. He contended, also, that if proper economic management and arrangement were introduced into the highways, at least a third of that item might be saved. Under present circumstances no exertions ought to be spared to alleviate the distress among the farmers. It was extremely to be deplored that a large portion of local taxation should have been fixed upon real property, by the refusal to entertain the propositions brought forward by Mr. Ward in 1842 and 1843. If a man were bred a farmer, he could do nothing else. If he reached the age of 40, he was unfit to turn his mind to any other occupation than farming; he was, therefore, more interested in the prosperity of the landed interest than the landlord himself. It must not be supposed that he had a mere temporary interest; every man connected with the land was interested that no unfair burdens should be placed upon it. It was with the belief that such a measure as the one proposed, if fairly worked, would be a great alleviation to the landed interest, that he should now support the second reading.

Mr. SPOONER said, the real question before the House was whether they could again do that which they had already twice done, namely, recognise the principle that the ratepayers ought to have a voice in the expenditure of the country. He had not heard that principle challenged by anybody, but he had heard that this Bill was very improper for the purpose. To the principle he gave his full and complete assent; but he did agree with the hon. Member for Droitwich that he never saw such clumsy machinery, or a measure so likely to bring the whole principle into contempt. If he had been bound to take the Bill as it was, he should have said No to the second reading; but the right hon. Baronet the Secretary of State for the Home Department had promised to give his most valuable services in Committee in endeavouring to carry out the principle. There was no man in that House to whom he (Mr. Spooner) could look with greater confidence, or to whom he would be more willing to commit the task, than to the right hon. Baronet. That would induce him to vote for the second reading; and he hoped, after what he had heard and the promise given, that the hon. Member for Droitwich would withdraw his Amendment.

Mr. RICE concurred in the hope that the hon. Baronet would withdraw the Amendment. As he understood the Bill, it would give the ratepayers a voice in the expenditure; they would be able to express an opinion upon the extent of the police, but not upon the use of that body. He agreed with the right hon. Baronet the Home Secretary that the ratepayers ought not to be restricted in the choice of persons. He saw no reason why they should not appoint a magistrate; many of their own body, though well qualified from their having been made conversant with public business at the meetings of the boards of guardians, would be really unwilling to go a great distance from their homes, and might probably be very glad to find a magistrate to act as their representative. When the right hon. Baronet spoke of the restriction the other way—that none but magistrates should be selected—of course he was only to be understood to use that as an argument to do away with the restriction that magistrates should not be chosen.

Captain PELHAM thought they were endeavouring to couple together, for the purposes of county business, two parties—one not only more conversant, but saddled with responsibility; but the other party having no responsibility whatever. They were asking the ratepayers to control expenses, upon which they could not possibly form a correct judgment, inasmuch as they were connected with duties which the magistrates alone had to perform. He could not, for the sake of popularity, consent to lead a people on a false scent, which must end in disappointment. They had heard a great deal of public feeling on this subject; but he believed the noble Lord at the head of the Government had stated to a deputation that the reason the Government had not taken up the subject was to be attributed to the fact that no expression of general feeling had been elicited upon it. He believed that the Bill would lead the people into error with respect to the supposed benefit to result from it, and therefore he would vote for the Amendment of the hon. Member for Droitwitch. He considered that it would be far better to appoint a public auditor than to interfere in this way. The outcry which had been raised against the county expenditure, originated with a class of persons who really did not know what taxes they were paying. It would be time enough to deal with a subject of so much delicacy when the appointment of a public auditor had not given satisfaction.

MR. ROBERT PALMER thought the hon. Member who had moved the rejection of the Bill had adduced strong and good grounds for making that Motion when he rose. He (Mr. Palmer) did not at all wish to dispute the principles endeavoured to be carried out in the Bill, but he agreed with the hon. Member for East Somersetshire that the subject ought to be taken up by Her Majesty's Government—that it ought to be carried out under their sanction. From what had fallen from the right hon. Baronet the Secretary of State for the Home Department, it appeared he objected, almost as much as he (Mr. Palmer) did, to many of the provisions, which would require an alteration of almost every clause; but since the right hon. Gentleman had offered to give every attention to the Bill, he thought it would not be unworthy of the hon. Member for Droitwitch to agree to affirm the principle, only reserving perfect liberty to discuss the details.

MR. DEEDES said, there was one ingredient wanting in the proposition of the hon. Gentleman the Member for Berkshire, which was—that they had not, at present, the consent of the right hon. Gentleman who had charge of the Bill to the arrangement proposed—that if they allowed a second reading it should then pass to a Select Committee for the purpose of being considered in its details upstairs. He could not be bound to consent to the second reading, unless he had that distinct understanding from the right hon. Gentleman that he would adopt such a course. He was not prepared to deny that there was a growing feeling — from what cause it arose he should not now stop to inquire — for some legislation on this subject. With regard to the county which he represented — Kent, there had been no pressure, and he was free to adopt that course which he believed to be the best. Only one petition from a board of guardians in the county of Kent had, he believed, been presented; but still he had no right to disregard the feeling in other parts of the country, and he hoped the measure would come out an efficient one, though he much doubted this, because the views entertained by the right hon. Baronet the Secretary of State and by the right hon. Member for Manchester were directly antagonistic. He (Mr. Deedes) was one of that majority in the Committee that thought and voted, that if anything ought to be done it ought to taken up by the Government. If the right hon. Gentleman was willing to allow the Bill to go to a Committee upstairs for the purpose of being discussed in the manner suggested, he should, after what had fallen from the right hon. Secretary of State, feel bound to look upon this, in fact, as a Government measure, and having said that he was ready to consider any Government measure, he did not think it right to pass this by, now that it had assumed that shape. As to its being a measure to alleviate that agricultural distress which was now generally admitted on both sides of the House, how could it be so when the hon. Member for Montrose, and he believed the hon. Member for the West Riding (Mr. Cobden) had both expressed an opinion that the working of this Bill would, in the first instance at least, rather increase than diminish the amount of county rates.

MR. HUME: I did not say that.

LORD J. RUSSELL wished to prevent any misunderstanding with respect to the promise made by his right hon. Friend the Home Secretary. He said, that if the House would agree to the second reading he was willing to serve upon a Select Committee upstairs, to attend assiduously to the subject, and to state his opinion as to the best mode in which the objects of the Bill might be attained. He did not think his right hon. Friend could be expected to engage himself further than that, because his views might not be entertained by the majority of the Committee. What his right hon. Friend had engaged to do was to serve upon the Committee, and to state what amendments ought to be made in the Bill.

Mr. M. GIBSON should strongly object to the appointment of any such Committee as sat upon this Bill last year. He did not want a Committee to take evidence; but if it were proposed to go into Committee, with a *bonâ fide* intention of considering the clauses, and that when it came out of Committee it should be considered something in the light of a Government measure, then he saw great advantage from such a Committee. He hoped that the right hon. Gentleman the Home Secretary so far concurred in the principle and design of the Bill that he would suffer the Committee to place him in the post of honour, rather than that he should serve simply as an independent supporter of any private Member bringing forward this Bill. If he had a clear understanding on this point, he would not stand in the way of such a proposal as the right hon. Gentleman had made. With reference to the observations of the hon. Baronet the Member for Droitwich as to the evidence of Mr. Roberts, he thought Mr. Roberts deserved infinite credit for not having said anything before that Committee which he did not know of his own knowledge. He stated that he had only a general acquaintance with the proceedings of quarter-sessions, and confined his evidence to matters of which he was himself cognisant; and upon those matters his evidence was accurate and valuable. The remarks of the hon. Baronet the Member for Droitwich would lead them to suppose that the Earl of Stradbroke, in the evidence which he had given, was doubtful as to the propriety of financial boards. Now the Earl of Stradbroke stated that he was in favour of financial boards, constituted upon the plan as propounded in the Bill before the Committee; and he believed there was a general feeling in favour of such boards in the county of Suffolk, and that their establishment would afford satisfaction to the ratepayers.

Mr. HENLEY was glad to find that the right hon. Baronet the Home Secretary was of opinion that they ought to separate the judicial and the financial functions of the magistrates, and thought he could see his way to effect that object. There being no difference of opinion on any side of the House that taxation and representation should go hand in hand, he would be inclined to give the right hon. Baronet an opportunity of developing his plans in Committee. He (Mr. Henley) and the country would, however, have been much better satisfied if the right hon. Baronet had, during the recess, been endeavouring to arrive at a solution of the matter, and had been prepared to bring forward a Bill which would have had the weight and responsibility of a Government measure. There would then have been better chances of arriving at a proper solution of the question. He was not at all surprised at the repugnance of the right hon. Member for Manchester to have anything to do with evidence; but he was surprised to hear the right hon. Gentleman candidly admit his repugnance on the subject. If the right hon. Member had gone on some other Sessions with his evidence, he would have found himself put fairly out of court. A great deal had been said about the principle of representation; but he (Mr. Henley) did not admit that to be in accordance with the principle of representation, which was only done by delegation. Boards were elected for particular purposes; and he did not admit that, because A. or B. was appointed to fulfil certain functions, that therefore he was a proper representative for the whole community. He should be sorry to say that, because they had a kind of machinery at their hand, they should destroy that machinery by throwing duties on it which did not properly belong to it. He did not object to representation; but let them have it really, and not by delegation, for that was not a principle which belonged to our constitution. He would, under these circumstances, leave himself very much in the hands of the hon. Baronet the Member for Droitwich. If the hon. Baronet thought fit to divide the House, he (Mr. Henley) would vote against the Bill. Still, after what had passed, it might be better for the hon. Baronet to withdraw his Amendment; for it would scarcely be fair not to allow the Government an opportunity of showing what they could do with the Bill.

Sir J. PAKINGTON had not imputed any want of truthfulness to the evidence of Mr. Roberts, but he had said that he knew little of county affairs. The question had now assumed a different aspect from that which it presented when he had moved his Amendment, and after what had been said on behalf of the Government he would not divide the House.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read 2°, and committed to a Select Committee.

EXPENSES OF PROSECUTIONS BILL.

Order for Second Reading read.

VISCOUNT EBRINGTON said, he thought that local and county expenditure should be considered more comprehensively than it had hitherto been. The late Sir Robert Peel had introduced a proposition for saddling the Consolidated Fund with all the expenses of prosecutions. He (Lord Ebrington) would suggest that they should recast a little the allowances made out of the Consolidated Fund, in order in some measure to alleviate the pressure of county taxation, for since the magistrates had obtained local control in regard to prosecutions the expenses had greatly increased. There ought to be a check put upon the expenditure, and this he (Lord Ebrington) thought could be done by leaving a portion of the expenses to be borne by the counties, the Treasury affording relief on some other points to the county funds. If the late Sir Robert Peel, who knew little, if anything, of county business, had allowed a portion of the money to the relief of other kinds of local taxation, instead of devoting it all to the expenses incurred in the prosecution of prisoners, he would not only have equally relieved the county funds, but would have effected the desirable object of keeping down the expense of prosecutions. He thought this question should be referred to the same Committee which had had the county rates under consideration, so that the subject of local taxation in this respect might be more comprehensively treated.

MR. PACKE said, that in the county he represented there had been every attempt to economise the public money, the same as if the expenses of prosecutions had been still a charge on the county. At the same time, it could not be denied that the expenses of prosecutions at quarter-sessions were much less than those at assizes, and he thought the right hon. Gentleman the Home Secretary would do a great deal of good if he assimilated the latter with the former.

MR. BROTHERTON said, it would be a considerable saving to the country if the payment of officers were made by salaries and not by fees.

MR. ALDERMAN SIDNEY wished to know if the right hon. Baronet the Home Secretary intended to make the costs of the prosecution and maintenance of criminals fall equally on all respective localities in the country. The right hon. Baronet was aware that at present the expense of most counties for criminal prosecutions was repaid out of the Consolidated Fund, but he was also aware that there were some exceptions to the general rule, which he trusted would be met by a clause being put into this Bill. By the measure brought forward by the late Sir Robert Peel, the prosecution of felons was provided for out of the Consolidated Fund. This indulgence, however, was not extended to the city of London, Newcastle-upon-Tyne, or the town of Ripon. He therefore suggested that these places should be put on the same footing with other districts. He might mention that before the year 1846 the city of London had paid its quota of criminal charges, but since then it had not only paid its own expenses, but had been paying, through the Consolidated Fund of the country, a very large amount towards the charges of other districts. In fact, they were, in the city of London, maintaining a portion of the criminals of Yorkshire, Lancashire, and other parts of the kingdom.

MR. HENLEY was surprised to hear the statement of the noble Lord the Member for Plymouth, as to the great increase of expenditure since 1846. It must be remembered that in 1847 and 1848 there had been a great increase in the number of criminals, and he did not think that rateably with that number there had been any increase at all in the expenses of prosecutions. He should be sorry, in the present depressed state of the farmers, to see any attempt made to take from them the little advantage they now enjoyed by those expenses being charged on the Consolidated Fund. As to the proposition of the noble Lord to refer the Bill to a Select Committee, he did not think any advantage would be gained, for the clauses appeared to be very carefully drawn, as might be expected in a Government measure. The putting of the sessions and assizes upon a uniform footing, would, he had no doubt, tend to lessen the expenses; and he knew that the Judges of assize had expressed great readiness to attend to any suggestions for lowering the scale of charges. If they were, however, to lay down a uniform rule, which was to be at all times binding, it might inflict hardship on parties; for expenses in attending assizes on the part of witnesses and others, were often greater than at the sessions. Lodgings were not unfrequently higher, and there were also other items which were more. He knew that this was the case in several counties, though it might not perhaps hold true everywhere.

VISCOUNT EBRINGTON explained that he did not propose to take away the present advantage from the farmers, nor did he deny their depressed condition; what he wished was, that the money should go as far as possible.

SIR J. JOHNSTONE trusted that the Bill would effect the desirable object of imposing a check on all unnecessary county expenditure.

MR. T. EGERTON advocated the appointment of salaried prosecutors, as the best method of discouraging unnecessary prosecutions. Where there was such a host of attorneys conducting prosecutions, the expenses could not be otherwise than large.

MR. FREWEN submitted that it would be better, in all cases where clerks were paid by fees, that it should be by an uniform scale. At present some very strange appoinments of clerks were made by the lords lieutenant of counties. He knew a case in the north of England where the lord lieutenant appointed his own nephew to be clerk of the peace, and that gentleman received 2,000*l*. a year, but never went near the quarter-sessions, and, in fact, served the office by deputy. He thought, also, that there should be a clause in this Bill to compel county officers to send in to the Home Office every year a return of the county expenses.

MR. HUME said, that when Lord Althorp had thrown the expenses of prosecutions on the Consolidated Fund, he (Mr. Hume) had ventured to state that these expenses would go on rapidly increasing, because there had been no proper check imposed. The system which had been pursued of paying the public money for prosecutions was wrong in principle; for if the public paid for prosecutions, the expenses ought to be controlled by a public officer, such as the Secretary of State. From the evidence of Mr. Sadler, the constable of Stockport, it appeared that there existed no check or control over these expenses, and he found that on one occasion there had been twenty-three attorneys employed in the prosecution of forty criminals. They ought to have public prosecutors the same as existed in Scotland. In Scotland there were responsible officers, who inquired into the merits of cases before they went to trial, who saw what evidence there was, and ascertained whether convictions were likely to follow, and thus all unnecessary prosecutions were avoided. He would have the right hon. Baronet the Home Secretary consider whether provision should not be made for the appointment of public prosecutors. He (Mr. Hume) was of opinion that all officers connected with the criminal jurisprudence of the country should be paid by salaries and not by fees, for he conceived that no fee whatever should be imposed upon any of Her Majesty's subjects who were seeking the redress of grievances.

MR. T. EGERTON said, that the reason of so many attorneys being employed was, that the magistrates' clerks conceived it but fair to divide the briefs, and so long as the present system lasted, such a distribution of favours might be desirable. It showed, at the least, that the clerks acted with some degree of impartiality.

SIR G. GREY said, that when the change had been made in 1846, it had appeared desirable to place some efficient check upon the expenditure. The subject had been under consideration from time to time, and he could assure the House that the Government had been exceedingly desirous to effect so desirable an object. He had stated when he brought forward the Bill that he had called for returns from the various counties and boroughs, of the average expense of prosecutions at assizes and sessions. The result was, that, making every fair allowance for the varying circumstances of counties, the difference in the average amounts for prosecutions was so great that there existed no approach to uniformity. With reference to what had fallen from the hon. Member for Oxfordshire, he had to remark that Judges of assize and magistrates in quarter-sessions were constrained to certify the accounts whether they were just or not. It was with the view to remedy these evils that the first and second clauses had been framed. The clause referring to clerks prevented them from acting as attorneys in cases committed by the magistrates to whom they officiated as clerks. The hon. Member for North Cheshire had recommended the abolition of fees altogether, and the substitution of salaries. This suggestion he (Sir G. Grey) would take into consideration. The expenses of assizes had been alluded to by several hon. Members. He had much pleasure in observing that within the last year or two about twenty thousand pounds had been saved at the Yorkshire assizes. Some arrangement had been entered into by the Judges and the grand jury whereby the cases were taken according to an understood system of rotation, and the whole of the witnesses were not brought up at the commencement of the assizes, but were only present on those days when the respective cases for which they were summoned were expected to come on. He hoped that this system would be adopted to a considerable extent. The country, he begged to say, was much indebted to those gentlemen who acted on the grand juries for the willingness they displayed to facilitate the administration of justice. He assured hon. Members that a satisfactory arrangement would be made as far as possible upon all points involved.

Bill read 2°, and committed for Wednesday next.

APPRENTICES' AND SERVANTS' BILL.

Order for Second Reading read.

MR. BAINES said, that public attention had lately been most painfully drawn to several cases of cruelty towards servants; and, in particular, the late case of the Sloanes. There had been other cases of a similar description to that of the Sloanes, but none equalling it in atrocity—none so disgusting. Various attempts had been made to legislate for the protection of young persons from the cruelties to which they were not unfrequently subject; but the law, as it stood, did not, he was sorry to say, sufficiently reach all cases. It was with the view of providing some remedy that he undertook to submit the present Bill to Parliament. There was one defect in the law, made manifest in the late trial of the Sloanes. It had been found that, however clear the obligation on the masters or mistresses of young persons to provide them with food for their necessary sustenance, the criminal law afforded no means of redress except in the cases of infants of tender years. It was considered that, inasmuch as Jane Wilbred was sixteen or seventeen years of age, and not an infant of tender years, although she might have a remedy of a civil description, yet she had no protection afforded her by the criminal law. This, he conceived, was not a proper state of things; for a person in the position of Jane Wilbred ought to have the protection of the criminal law as well as an infant of tender years. It was to meet this defect that he proposed the first clause. Again, by the law as it stood no case of assault upon a servant or apprentice, however brutal it might be, could be punished with hard labour, unless it could be brought under the category of felonious assaults. All that the law did, was, to treat assaults not felonious as cases of misdemeanour; the punishment for which was simple imprisonment or fine. This seemed to him a very serious defect. Another defect in the law was, that there existed no means whatever of providing for the costs of the prosecution in a case of assault upon a young person of this description, unless it were a felonious one. Let them take the case of a poor, helpless, friendless, penniless creature like Jane Wilbred. It would be impossible for her to have redress, unless she trusted to some charitable persons taking up the case, and who would have to pay the costs out of their own pockets. Looking to these defects in the law, he hoped that the House would pass the Bill which he now proposed. The provisions of the Bill were—first, with regard to all young persons under eighteen years of age who were under the control of others as apprentices or servants, where masters or mistresses were legally liable to provide food for their sustenance, to enforce such liability by means of the criminal law, as in the case of infants of tender years; and, further, with regard to the offence of committing an assault on any such young person, such as to injure health or endanger life, without legal justification, the Bill provided that such a case was one in which a court of justice might pronounce a sentence of imprisonment for a long term, and accompany that imprisonment with hard labour. The second clause provided for the costs of prosecution at the discretion of the court trying the case. He thought that such a discretionary power as this clause afforded was very desirable. There was another evil in the present state of the law which had struck him very much in the course of discharging the duties of his office. When a young person had been hired out of a workhouse, or apprenticed by the guardians, there was no sufficient provision now that care should be taken of him after he had once been hired or been apprenticed. He did not mean to say that any legislation could make that provision complete; but he did say that, until such a person had arrived at eighteen years of age, it should be the business of the guardians to have periodical visits paid to him by some officer of theirs not less than four times a year; whose duty it should be to report to the guardians if he found that the young person was subjected to cruel or illegal conduct. He was glad to say, that that hint was given to him by the voluntary practice of three unions. This very rule was adopted at Oldham in Lancashire, at Nanwitch in Cheshire, and at Market Drayton in Shropshire. There was yet another defect in the law. At present, when a poor person had received an injury, it was extremely doubtful whether the guardians had the power to prosecute; and, when the Poor Law Board had the question put to them by the guardians of the West London union, whether they could prosecute in the case of the Sloanes, there was very great doubt whether the law would allow it. In the cases of injury to poor persons under eighteen years of age, if the magistrate before whom the case was brought thought that, under the circumstances, a prosecution should be undertaken, he proposed to give him power to call on the guardians to institute a prosecution, the expenses to be borne out of the poor-rates, in cases where no other provision was made by law for the payment.

Mr. HENLEY entirely agreed with every word that had fallen from the right hon. Gentleman; but he thought they would find, when they came to discuss the clauses of the Bill, that some of them ought to have been made more general in their character, and he thought the visits of the guardians ought not to be confined to cases where the children remained as apprentices or servants "within" the limits of the union, because the probability was, that when removed beyond the limits of the union they were removed from any friends they might have, and would therefore require a more careful attention than otherwise. In all other matters he fully approved the Bill. and thought the House and the country highly indebted to the right hon. Gentleman for the care he had taken to provide a remedy for what all must admit to be a crying wrong.

Colonel RAWDON begged to offer his best thanks to the right hon. Gentleman for the mode in which he had administered the duties of his office, and requested, as the measure was one of a humane nature, that it should be extended to Ireland.

Bill read 2°, and committed for Wednesday next.

The House adjourned at a quarter after Four o'clock.

HOUSE OF LORDS,

Thursday, March 13, 1851.

Minutes.] Public Bill.—2ª Sale of Arsenic Regulation.

SALE OF ARSENIC REGULATION BILL.

The Earl of CARLISLE, in moving the Second Reading of the Sale of Arsenic Regulation Bill, observed that the subject to which it related was one that it might be easy to enlarge upon in order to show the necessity for such a measure, and that the Motion could readily have been prefaced with some striking details founded on recent occurrences with respect to the commission of the crime of poisoning; but, he felt that there was a degree of mysterious horror attached to the use of poison, which seemed to attract and fascinate a certain class of minds more than any other kind of crime, and he therefore thought it would be better to say nothing more than that it was a crime which the Legislature was called on to check as promptly as possible. In doing so, it was important to take care that any provisions of a Bill for the purpose should be made as easy of execution as possible, and afford very little opportunity of evasion, and should at the same time interpose no unnecessary obstruction to those who bought arsenic for a legitimate purpose. The provisions of the Bill before their Lordships were extremely simple. In effect the Bill enacted that no person should sell any arsenic without entering in a book to be kept for the purpose a full statement of such sale—the quantity sold, the purpose for which it was stated to be required, and the name of the purchaser, thus fixing instantly the identity and residence of the person who bought it, and the purposes for which it was said to be purchased. There were two points which might be regarded as deficiencies in the Bill. The first was, that the provisions of the Bill were limited to the sale of arsenic alone, whereas it was obvious there were many other kinds of poison which might be used by those who were so inclined to take away life; but it happened that arsenic, from the comparative absence of taste and colour, afforded great facilities for the commission of the crime of poisoning; and he had been told by those who were conversant with the history of our criminal judicature, that, among those classes where the crime was rife, "arsenic" and "poison" were looked on as synonimous. We could not debar the use of poison from those whose knowledge, opportunity, or instruction might indicate to them other poisons for their purpose besides arsenic, but we could debar the ignorant from the use of arsenic. It would be very difficult to draw up a schedule of poisonous substances used to take away life, or capable of doing so; but, even if it was possible, it would not be desirable, for it would not be by any means advisable to advertise, as it were, what poisons were not to be used, and thus show those who might wish to have recourse to them all the substances destructive to life. The other point was, the propriety of enacting a minimum amount of arsenic which should be allowed to be sold, suggestions to that effect having been made to Government. He was satisfied such a provision would, on the whole, give a tendency contrary to that desired. For instance, arsenic was used for certain diseases in sheep; and, if persons were obliged to purchase more than they wanted, they would leave it lying about as soon as they had taken what they required, and those who wished to make use of it would have less difficulty in getting at it. The Bill did not profess to deal with every sort of substance used as poison, but with a substance which experience taught them might be used for the purposes of crime with fatal facility. He had only, in conclusion, to observe, that he had hoped that this species of crime was not familiar to our age or country; but he was sorry to say that experience proved the contrary, and he thought that, however legislation might attempt to deal with the evil, it could only be successfully combated by teaching our people the true spirit of Christianity.

The EARL of MOUNTCASHELL regretted the Bill was confined to the sale of arsenic, and did not extend to other poisonous articles—prussic acid, for instance. He thought they ought to follow the example of France in this matter, and not allow any one to obtain it except on an order from a medical man. After the noble Lord's statement of its provisions, he doubted very much if it would have the effect expected.

Bill read 2^a.

PASSENGERS ACT AMENDMENT BILL.

House in Committee according to order.

The EARL of HARROWBY postponed the clauses which it was his intention to move until a future stage of the Bill.

EARL GREY proposed to introduce a clause to bring foreign ships in the emigrant trade within the provisions of the Bill. Since the repeal of the navigation laws, vessels of other countries were allowed to carry emigrants; and therefore it became necessary to introduce a clause, providing that all foreign vessels sailing to British ports should be required to comply with the regulations of the Passengers Act, and should further give a bond that they would submit themselves to the jurisdiction of the Colonial Courts, and to the same penalties which might be inflicted on British vessels transgressing the Act.

The clause was brought up and read a first and second time; to be reported to-morrow.

CHANNEL OYSTER FISHERY.

The EARL of WICKLOW said, he would take that opportunity of repeating a question which he had put to the Lord President of the Council towards the close of last Session, and to which he had not as yet received a satisfactory answer. He was anxious to know whether any communication had taken place, or was likely to take place, between the French and English Governments for the regulation of the trade of oyster fishing. Their Lordships were aware that by treaty the subjects of this country and of France respectively were restricted from fishing within a certain number of miles from the shores of the opposite party. It appeared that oyster beds had been recently discovered in that portion of the sea between Dieppe and Brighton, which was beyond the boundaries within which the fishing operations of both nations were, by international treaty, agreed to be carried on. The consequence of this discovery was, that the British markets were now supplied with oysters during those four months—May, June, July, August—in which oysters were heretofore supposed to have been out of season. English fishermen from the coast of Essex, and from various parts of the southern coasts, were in the habit of having recourse to those beds; but the French Government, viewing such proceedings with jealousy and disapproval, had sent gunboats and vessels of war to deter the fishermen from fishing in the proscribed locality. The English fishermen, however, were resolved not to suffer any such interposition; and the result was, that the English boats were fired at, and that some unpleasant collisions had taken place. When he mentioned the matter last Session, it was in the month of

August, and the regular oyster season being then about to set in, there was no necessity to take any step in the matter; but matters stood in a different position at the present period of the year. The month of May was approaching, but there would be ample time between this and the 1st of May to make such arrangements as would preclude the possibility of any such dangers or inconveniences arising as to those to which he alluded. The matter was certainly one of importance, and it was essential that it should be at once arranged in a satisfactory manner. If some judicious regulation were not come to, angry feelings would be aroused, and life would probably be lost in the collisions which would be sure to take place between the French authorities on the one side, and the British fishermen on the other. During the four months to which he had alluded there had been employed at the new oyster bed, 145 vessels from Essex, 9 from Suffolk, 30 from Kent, 17 from Sussex, 7 from Hampshire, 2 from London, 10 from Jersey, and 6 from Norfolk—making, in all, 226. If the operations of the English fisherman were carried on in such an extensive manner in the infancy of the discovery, it was not difficult to predict that the trade would attain a still greater importance in the course of the present year, unless some measures were taken to negotiate between the two countries. He believed that the beds were public property, though very possibly the French might believe they had the best right to them, seeing that they were not distant more than 14 miles from Dieppe. The French did not choose to have recourse to the beds themselves, but they asserted that the British could not consistently with the treaty resort to them, and that was the reason why they impeded their operations. No matter on what side the legal right might really rest, it was certainly desirable that the matter should be satisfactorily arranged so as to prevent the possibility of collision.

The MARQUESS OF LANSDOWNE: It cannot be doubted, my Lords, that the matter to which the noble Earl has called your attention is one of not inconsiderable importance. The French and British fisheries in general, and the fisheries to which allusion has been made in particular, are unquestionably deserving of protection, and it is desirable that no misapprehension should exist upon the subject between the two countries. When the noble Lord called attention to this subject, towards the close of last Session, my noble Friend at the head of the Foreign Department took especial case to institute inquiries in the proper quarters; and the Consuls at the French ports reported that there was no disposition whatever on the part of the French authorities to deal improperly by the British fishermen. No doubt some cases had arisen where fishermen were accused of violating the law; but those cases had been dealt with in a perfectly regular manner, and had been disposed of according to law. Your Lordships will perceive that it is not possible that disputes should not occasionally arise between the French and English fishers, owing to the nature of the open sea, in which both parties enjoy the right of fishing. [Lord WICKLOW: No, no!] Allow me to assure the noble Lord that he is in error in supposing that both parties are prohibited from fishing in the locality he refers to. Neither party is prohibited either by law or by treaty. The English fishermen are prevented from fishing within three miles of the French shore, and the French are prohibited from fishing within three miles of the English; but that space of the ocean which lies between those respective boundaries is open to both nations. The oyster beds in question are in the open sea, and if the French Government have taken measures to exclude the British fishermen from them, they have acted in a manner at variance with the law; but no doubt redress would be immediately granted in the event of a proper remonstrance being made. I think it right, however, to say that no complaint whatever upon this subject has been made, or at least has reached the Foreign Office since last year. If, however, anything has taken place which furnishes fair ground for complaint, measures will be taken before the month of May to prevent the recurrence of such an event. It is certainly most desirable that the sea should be open to all the fishers of both nations, and that no misapprehension should exist upon the subject.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 13, 1851.

The House met, and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till To-morrow.

HOUSE OF LORDS,

Friday, March 14, 1851.

Minutes.] *Sat First.*—The Lord Berners, after the Death of his Father.

Public Bills.—2ª. Prevention of Offences.

Reported.—Sale of Arsenic Regulation.

SALE OF ARSENIC REGULATION BILL.

The House in Committee (according to Order).

The Earl of MOUNTCASHELL was understood to ask, whether the sale of corrosive sublimate could be prevented under the Bill?

Lord CAMPBELL said, that he had no difficulty in giving an opinion, legally and chemically, that corrosive sublimate was not arsenic. He was sorry to say, the statement of the noble Lord (the Earl of Carlisle) last night was quite correct. The people in parts of the country spoke of arsenic lightly. It was, in fact, a household word in their mouths. It was with much satisfaction he saw this Bill introduced to check the use of so deadly a poison.

Bill reported without amendment, and to be read 3ª. on Monday next.

THE POPULATION ACT—THE CENSUS.

Lord STANLEY moved—

> "That an Address be presented to Her Majesty for Copies of all Forms and Instructions directed by the Secretary of State to be issued by the Registrar General, under the authority of the 13th and 14th Vic. cap. 53."

He wished to call the attention of the noble Lord the Vice-President of the Board of Trade to a matter of some importance connected with the instructions issued by the Secretary of State, under the authority of the Act of last year, called the Census Act. In the course of last Session, his noble Friend behind him had expressed a hope, that, before these forms were sent out, a copy of the instructions given respecting them would be laid on the table of the House, in order that their Lordships might ascertain whether they were satisfactory, and in accordance with the provisions of the Act. On the first day of the present Session, his noble Friend had referred to the noble Lord opposite upon the subject, and an assurance was thereupon given that the papers would be laid upon the table in a very short time. He (Lord Stanley) knew that his noble Friend opposite had been much occupied lately, and that his time had been greatly taken up upon some extra business. He was also aware that he did not intend to offer any opposition to the production of these papers, and that, if he (Lord Stanley) had brought forward this Motion yesterday, these papers would have been ready then for production. His object, however, was not only for the production of these papers, but he was desirous of calling their Lordships' attention to what he considered an excess of power and authority on the part of the Secretary of State while acting, as he supposed, under the provisions of the Census Act. That Act provided that the census should be taken in the manner hereinafter stated. By the second clause, power was given to the Secretary of State to direct the printing of certain forms, for the purpose of obtaining the required information—such forms as were deemed necessary for the purposes of the Act. The 5th clause goes on to define these purposes, and it enacts that the returns should be given in writing of the name, sex, age, and occupation of each person who shall, on a certain day, be found residing in each house. The Act also required an account to be given of such further particulars as were authorised to be inquired into by the provisions of the Bill. In the 24th clause, a provision was made, that all persons making false returns, or neglecting to make any returns, should be subject to penalties. It was quite evident, then, that the Secretary of State was not authorised, *ad libitum*, to put every question he thought fit, under a penalty for non-compliance or for making a false return. He contended, by his doing so, he was exceeding the powers given to him as Secretary of State. He held in his hand some of the instructions which had been so issued; and he should state one or two of them, which purported to have been made under the authority of the Act itself. There were four separate schedules contained in his instructions for procuring information in regard to education. Now, he (Lord Stanley) did not find that the Census Act gave any authority to inquire into the different classes of education communicated in the schools of this country. All the expenses of this Act were to be defrayed by Parliament; and he believed that this unlimited multiplication of inquiries would lead to much increase of expense. The first of these education returns showed that the inquiries made were of a most inquisitorial character. He held in his hand a return of several particulars, said to be required in accordance with the Act of the 13th and 14th Vict. cap. 53, upon inquiries being entered into in reference to the undermentioned schools. Those returns applied to all schools, from the highest to the lowest, where education was carried on. One of the questions required to be asked by the instructions of the Secretary of State was, "With what religious denomination is the school connected?" Then followed questions as to the internal regulations of the school; its height, depth, and length; the number of pupils under 20, 15, 10, and 5 years of age; the number of scholars that had previously attended other schools. Let noble Lords conceive the nature of such inquiries in large schools. Under this inquiry, the head-master of Eton would have to give the history of 700 boys. With regard to private schools, this return was of the most inquisitorial character—it even demanded the income and expenditure of each school; and this was to apply to all private schools, and called upon each individual schoolmaster to make a return of all his receipts and disbursements. This was most inquisitorial, and was not required by the Act. Then, with regard to literary and scientific institutions, a return was required as to the governing body, and how it was appointed, the general character of the society, the number of volumes in the building, an account of the number of the labouring classes frequenting them, and the name and age of each, the particular character of the instruction conveyed, and a statement whether the admission was gratuitous or otherwise. Observe, that these were generally private institutions. He said that this was a most inquisitorial and vexatious inquiry, which was not at all warranted by the statute. At the last census, as there was not then subsisting any registration of births, deaths, and marriages, a special clause was introduced into the Act, authorising the enumerator to demand the required information. Now, the Secretary of State demanded an account of the number of churches and chapels erected since 1800, and of the cost of each. They also required an account of the endowments of churches and of chapels. What had a return of every church built, and endowment made, since 1800, to do with the Census Act? It was rather singular no such inquiries are to be made as to space, subscriptions, and other matters from Dissenters as are to be made from the Church of England. The returns would draw an invidious distinction between the Church and the Dissenters, and seemed to assume that Church property was State property, in contradistinction to the property of Dissenting places of worship. The Church of England was asked the number of her free sittings. The Dissenters were only asked the amount of standing room. What was the reason of the distinction? If they were to make the inquiry at all, why not make it the same for both? He had no doubt the Secretary of State was actuated by a laudable desire to obtain the greatest possible mass of information; but, in this instance, and in others to which he had referred, he had gone beyond the powers of the Act: and it would be a most dangerous precedent to establish, that, when a Secretary of State received authority for a specific purpose, he should be permitted to strain that authority, and give rise to great expense, by making inquiries which, however useful, Parliament had nothing to do with, and that, under an assumed authority which did not exist, he should call on persons to make returns who might imagine they would be exposed to penalties in the event of non-compliance. He did not wish to press the matter further than calling their attention to it before the instructions were finally drawn up.

Earl GRANVILLE said, that the queries commented upon had been introduced because complaints had been made on previous occasions of the extremely meagre nature of the information afforded by the former returns. It was desirable to obtain as much information as possible; but on the one hand it was difficult to obtain it legally, and on the other hand Parliament was anxious to keep clear of anything of an inquisitorial nature. The Secretary of State had candidly stated there were considerable legal doubts whether the penalties of the Act could be enforced for refusing to give information; and he (Earl Granville) was authorised to say there was no intention on the part of Government to try to levy them in cases of non-compliance; but, considering the enormous expenses to which the country would be put, they thought it would be a pity not to profit by that opportunity to gain most valuable information respecting the state of education, and other matters in which the country took a great interest. He hoped the noble Lord had exaggerated the difficulties of getting information from masters of schools; and if the returns were filled up in a proper spirit they would get all they wanted to know. As to the inquiries respecting the Church of England and Dissenters, it must be observed the latter maintained their places of worship by subscriptions from year to year, which was not the case with the former. It would be desirable to ascertain the amount of endowments since 1801. The subject was not one, properly speaking, which belonged to his department, but he had the documents which the noble Lord had asked for ready, and would present them to the House.

The EARL of HARROWBY observed, that questions which could not be legally enforced would only be partially answered, and had better therefore not be put at all, otherwise the public would be led astray. The only value of these accounts was their completeness, and the only security for completeness was the enforcement of answers by legal means. It must be evident also to their Lordships that these questions, which should be very simple in form so as to be understood by every one, were many of them very obscure, and were thus liable to be neglected by parties who might not be unwilling to impart information. A census founded on accounts thus obtained, would lead to false conclusions, which were much worse than none. With regard to education, everybody knew that nothing was so difficult as to procure correct information on that subject.

The EARL of MALMESBURY quite agreed in what had fallen from his noble Friend behind him (Lord Stanley) and the noble Earl on the cross bench, and hoped it was not too late for the Secretary of State to recall those questions which had been put into the paper issued by the Registrar General relating to private schools.

LORD BROUGHAM said, that there was no doubt whatever that these questions were put without authority, and that penalties for non-compliance could not be enforced; but he was far from thinking that information of considerable value might not be obtained without any authority at all, and by a mere request. This was the method which was adopted in 1818, and the result was, that an immense mass of very valuable information was collected, the accuracy of which he believed had never been called in question. He admitted that there were greater chances of error here than in the case to which he was now alluding, but he nevertheless thought that much information might be acquired which would be of great utility.

EARL GRANVILLE assured the House that the only object of the Government in issuing these instructions was to get as much information as could be obtained. He would undertake to say that the Secretary of State would feel it his duty to consider the objections which had been made. and to see whether these queries should be modified or even withdrawn.

LORD REDESDALE did not think that any very accurate account would be obtained on the subject of religious worship, by calling for returns of the numbers who attended each dissenting place of worship on a particular day. It would be far better to call for an account of the average number attending during a certain period. And with regard to endowment, there were, no doubt, many dissenting endowments, and it would be well to ascertain whether they were small or large in amount, and whether they were secured for religious purposes only.

LORD STANLEY observed, that the two points to which he more particularly objected, were those which touched the endowments and the private accounts of private schools.

Motion, by leave of the House, withdrawn.

The Forms and Instructions were then presented (by Command).

PREVENTION OF OFFENCES BILL.

LORD CAMPBELL, in moving the Second Reading of the Prevention of Offences Bill, called the attention of their Lordships to the many cases of burglary, accompanied with acts of violence, which had taken place in various parts of the country. There was a class of delinquents who were in the habit of breaking into dwelling-houses during the night, especially into those situated in lonely places, using all kinds of violence to effect their purpose, and plundering them of money, plate, and such other articles as it was found most convenient to carry away. Some of the band engaged in such outrages were then sent to dispose of the plate and other articles stolen, and on a subsequent day they met and divided the proceeds of the booty. These persons, he might also observe, had hiding-places, where they thought they were secure in setting the law at defiance. Now, it was indispensably necessary for the security of Her Majesty's subjects, that some measures should be taken to prevent the occurrence of such outrages. Prevention was better than cure. As the law now stood, if a man was taken up with picklocks, centre-pieces, crowbars, and other instruments of housebreaking, he could not be punished; he enjoyed as great an immunity as an honest mechanic who was going to his work, and carried about him the instruments of his vocation. He proposed to enact that in cases where such articles were found on a suspicious person, and where there was reasonable ground to believe that they were intended to be used for purposes of housebreaking, such person should be liable to be punished, and, on a second conviction, to be transported beyond seas. He believed that such an enactment would have a most material effect in preventing this class of offences. The most material clause in the Bill, however, related to the use of chloroform, and other stupifying drugs, for the purposes of robbery. A most respectable physician had done him (Lord Campbell) the honour to write him a letter, in which he stated that the fear arising from the use of chloroform in this way, was altogether imaginary—that no strong man who made resistance could possibly be chloroformed. He believed that was true; but in the case of those who were not strong, and unable to resist, it might happen that chloroform would be employed most effectively for facilitating robbery. The gentleman to whose letter he had referred, stated that a person thus attacked might refuse to breathe; and that he might turn away his head. But, suppose a wet handkerchief was put to his nostrils, and held there, the man must breathe, and thus inhale the particular gas that came from the chloroform. It stood, indeed, on record, that, since the discovery of chloroform, persons had been convicted before the competent courts of using that article for the purpose of robbery. He hoped, therefore, their Lordships would be of opinion that those who made such an attempt should not be guilty of a misdemeanour only, as was at present the case; but that any person who tried to commit a robbery by means of chloroform, or such like substances, though he did not succeed, should, if convicted, be held guilty of felony, and liable to be transported beyond seas. The noble and learned Lord then moved that the Bill be read a second time.

Bill read 2^a, and referred to the Select Committee on the Administration of Criminal Justice Improvement Bill.

PASSENGERS ACT AMENDMENT BILL.

Amendments reported (according to Order).

The Earl of MOUNTCASHELL proposed a clause to the effect that a return should be made annually to Parliament of the name, &c., of every person convicted under the Passenger Act, and of the circumstances attending each such case. Such a return would have the effect of inducing greater care and caution on the part of the masters of emigrant vessels, while it would act as a stimulus to agents and others to employ greater precautions against losses at sea before vessels left the harbour.

Earl GREY opposed the clause. The noble Earl proposed that returns should be made annually to that House of the name and all the circumstances connected with every conviction, not only in the United Kingdom, but throughout the colonies. Nothing could be more inconvenient than to require by Act of Parliament a return of this kind. He might not object to such a return for a single year, in order to show the working of the measure, but such a return would, he ventured to say, be not only useless, but an abuse of the powers of legislation.

The Earl of MOUNTCASHELL, notwithstanding what had fallen from the noble Earl, was satisfied that the clause which he proposed would be one of the most efficacious in the Bill.

On Question, disagreed to.

Bill to be read 3^a on Monday next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 14, 1851.

Minutes.] New Writ. — For Thirsk, *v.* John Bell, Esq., deceased.

Public Bill. — 3^a Commons Inclosure.

CALEDONIAN RAILWAY BILL.

Order for Second Reading read.

Mr. BROTHERTON moved the Second Reading of the Caledonian Railway (Glasgow, Garnkirk, and Coatbridge, Pollock, and Govan, &c., Railways), Amendment and Continuation, &c. Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir R. H. INGLIS moved, as an

Amendment, that the Bill be read a second time that day six months. He had no direct or indirect interest in the measure, but he felt as satisfied now as he did last year, that the Bill proceeded on a very irregular and fallacious principle, and that it was in no way entitled to the favour of the House.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. J. B. SMITH said, the Bill was merely permissive, and that, if passed, it would enable the Caledonian Railway Company to fulfil its engagements to a class of Shylocks who were determined to have their "pound of flesh." He thought it should be left to independent and impartial parties to decide the claims due to the creditors; but, as the Bill gave a simple sanction to an agreement, and was not compulsory, he would support its second reading.

MR. GLADSTONE called upon the House to bear in mind the magnitude of the question now before it, because he could assure hon. Members that the Bill did not only relate to the interests of the parties mentioned in it, but that it involved a public principle. The hon. Gentleman who had just spoken said, that certain Shylocks were determined to have their "pound of flesh," and he then went on to observe that the object of this measure was to empower those Shylocks to make an arrangement with the company. Now, it was very true that a portion of the Bill was permissive, but another portion of it was of a totally different character, enabling the Caledonian Company, which had obtained an unhappy notoriety for proceedings of this nature, to borrow 600,000*l.* for certain purposes, over the heads of creditors who now had claims on that company under specific Acts of Parliament. A more deceptive measure than the permissive portion of the Bill he had never heard of. According to the law of debtor and creditor in this country, creditors were entitled to have insolvent concerns delivered over to them; but this Bill absolutely repealed the money rights and privileges of some of those parties, without any reference to their consent whatever. One of the companies not only held an interest in the net profits of the line, but was a creditor for the redemption money of its rights at a fixed rate; and yet the Bill proposed to repeal the clauses affecting that creditor's claim altogether. So far as the measure was permissive, it was wholly unsound in principle, because it sought for a settlement between debtor and creditor not upon equitable terms. It involved the important question whether the House would sanction the principle that Parliamentary contracts on specific terms were to be dissolved in the face of the reclamation of the parties interested in these contracts.

MR. NEWDEGATE would support the Bill upon the ground that it would enable parties to pay their just debts. He hoped the House would not be led away with the idea that there was anything wrong in the permissive character of the measure—a measure which, in his opinion, was deserving of inquiry before a Committee.

MR. LABOUCHERE considered that, in reference to the situation he had the honour of holding, the only private business in which he was justified in interfering, either by speech or vote, was when some important public principle was involved. When he conceived that some clear public principle was involved, in such a manner as that no amendment in Committee could do away with it, then he ought, he considered, to tender his advice. There was a material difference between the Bill of this year and the Bill of last. Last year's Bill interfered summarily with guaranteed and preferential interests, thus giving no security to the great mass of the shareholders. According to the present Bill, these guaranteed and preferential shares could not be interfered with without the sanction of four-fifths of those interested in them. The Bill contained some of the most startling provisions and some most objectionable clauses; such, for instance, as that empowering a loan of 600,000*l.*, and those by which former acts of the Caledonian directors had been sanctioned; and, if it went to a Committee, he would feel it his duty to call special attention to many important points connected with it. Any proposition to deal with guaranteed and preferential shares should be carefully watched; at the same time he could not say that there was no supposable case in which such shares should be dealt with. He did not find anything in the principle of the Bill so objectionable as to induce him to vote against it; indeed, he should not vote either one way or other upon the question.

MR. CARDWELL had no opinion on the case either one way or the other; but he thought the merits of the Bill would be best understood through the investigation of the Committee.

MR. FOX MAULE said, that this railway had been a persecuted railway from its very commencement, but, notwithstanding the opinion of the Marquess of Dalhousie and the misrepresentations to which it was subject, he believed that it was a good design, and he should certainly vote for the second reading.

MR. WILSON PATTEN said, that there was an immense amount of capital at stake, 5,000,000*l.*, and if the directors of the Caledonian Company gave an undertaking not to avoid any arrangements made, the House might be induced to agree to the second reading. He considered the clause empowering the loan of 600,000*l.* most outrageous; and if an understanding of this kind were not come to, the directors might raise the money and avoid the arrangement. Sould the House come to a division, he would certainly vote against the second reading of the Bill.

MR. BECKETT DENISON moved that the discussion should be adjourned till this day week.

Motion made, and Question proposed, "That the debate be now adjourned."

Motion, by leave, withdrawn.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 214; Noes 67: Majority 147.

Bill read 2°, and committed, and referred to the Committee of Selection.

ECCLESIASTICAL TITLES—THE SCOTCH BISHOPS.

SIR G. GREY said, that not having had an opportunity last night of placing upon the paper the notice of the clause which he intended proposing in Committee on the Ecclesiastical Titles Bill, in the event of that measure being read a second time, with respect to the Scotch bishops, he begged to be allowed to state the terms of it now. In the first place, he begged to say that he intended to move the insertion of the following words in the preamble, after the word "whereas," in the first line of the Bill:—

> "Divers of Her Majesty's Roman Catholic subjects have assumed to themselves the titles of archbishops and bishops of pretended sees and dioceses within the United Kingdom, under colour of an alleged authority given to them for that purpose by a rescript or letter from the Bishop of Rome."

Then the clause he should propose with regard to the Scotch bishops was as follows:—

> "That nothing in this Act shall be held to extend or apply to the assumption of titles of Bishops of the Protestant Episcopal Church in Scotland by persons exercising ecclesiastical functions within any district or place in that country, or assuming the name, style, or title of such district or place, and that nothing in this Act shall be held to give the right to any such bishops to assume or use any name, style, or title which they are not now allowed by law to assume."

THE CENSUS.

MR. GOULBURN wished to ask a question of the right hon. Gentleman the Secretary of State for the Home Department respecting a paper which had been issued from the Secretary of State's office, proceeding from the Registrar General, on the subject of the census, and which had given occasion to considerable alarm. The paper in question had been directed to be addressed to the clergyman, the officiating minister, or any other person in the parish; and, if required, the party with whom the notice was left to give intimation of the total income of the clergyman of the parish, the sources from which it was derived—whether from endowments, pew-rents, fees, donations, &c.; and, further, it required a statement of the average number of persons who attended each place of worship within the parish. Now, he (Mr. Goulburn) had always understood that the object of the census was to procure certain information with reference to a particular class of facts; and, therefore, as the information sought by the paper to which he had referred was uncertain, it appeared to him that it would have a tendency to defeat the object of the census itself. With respect to the inquiry into the income of a clergyman of a parish by any one to whom the notice was sent, the House would excuse him for asking the right hon. Gentleman whether it would be compulsory upon parties to make the return?

SIR G. GREY replied, that the paper which had been issued by the Registrar General in order to procure information with respect to the census was divided into two classes of queries: the first class was addressed to parties under the Act of Parliament, and the withholding of answers to the queries in that class was subject to a penalty. The other class comprised, not only the questions which had been referred to by the right hon. Gentleman, but a great many others of a nature calculated to procure valuable information; and to these queries the Registrar General requested parties to furnish him with answers; but the withholding of answers to that class of queries was not subject to a penalty. The right hon. Gentleman, however, was not quite right in saying that the letter of the Registrar General was addressed to the officiating clergyman "or any other person in the parish." If he examined the document, he would see that it was addressed to the officiating minister, the churchwarden, or "some other authorised person," in the absence of the clergyman; but, in point of fact, it was addressed to the officiating minister in every instance.

THE DANUBIAN PROVINCES—THE HUNGARIAN REFUGEES.

MR. URQUHART begged to put the question, of which he had given notice, whether there was any certain information as to the withdrawal of the Russian troops from the Danubian provinces?

VISCOUNT PALMERSTON: The question is with regard to the evacuation of the Danubian provinces. The answer which I have to give is, that, by late accounts received, both from Constantinople and from St. Petersburgh, I am induced to believe that the evacuation of those provinces, both by the Turkish and Russian troops, has been ordered, and will very shortly take place.

MR. URQUHART had to ask further, pursuant to notice, if the noble Lord was in possession of any information as to the conditions attached to that evacuation? And, perhaps, the noble Lord would, at the same time, be so good as to state, whether the signified time of their detention having elapsed, the Hungarian refugees in Turkey were likely to be soon liberated; and, also, if the noble Lord could properly answer that question, whether the English Government was favourable to the views of those who desired to see the liberation of those Hungarians, or to the views of Austria, which sought their continued detention?

VISCOUNT PALMERSTON: The only conditions annexed to the evacuation of the Danubian provinces are the conditions which are stipulated in the agreement which was made two years ago, by which the two parties, Turkey and Russia, contracted to withdraw their troops from those provinces whenever tranquillity should be restored, but each of them to keep certain forces within their own frontiers, but on the frontiers of the Danubian provinces, for a certain time after, in case of circumstances arising which might require a new occupation. With regard to the question in respect to the Hungarian refugees in Turkey, what I have to state is this—There were about 76 Hungarian refugees altogether at the time. Of these 76, 60 were, by the last accounts, about to be set free by the Turkish Government, in consequence of an understanding with the Government of Austria. With regard to the 16 remaining, I only know that, by the last accounts, communications were going on still between the Government of Turkey and the Government of Austria—the Government of Turkey desiring to set free the whole of them. The understanding established between Turkey and Austria on this point went to this—that the Sultan engaged to detain these Hungarians only until tranquillity should be re-established in Hungary. With regard to the wishes, in this matter, of Her Majesty's Government, I have not the least hesitation in saying, that we desire that those Hungarian refugees should all of them be set free; and my own opinion distinctly is, that a due regard to the dignity and independence of the Sultan would induce him to use that liberty which the understanding with Austria has conferred on him, by freeing all those unfortunate men.

Subject dropped.

BUSINESS OF THE HOUSE.

MR. PLUMPTRE, on the Question, "That the House, at its rising, should adjourn to Monday next," begged to ask the noble Lord at the head of the Government, if the debate on the Ecclesiastical Titles Bill should not finish to-night, whether it was the intention of the noble Lord to proceed with it on Monday, or whether it would be postponed for the Navy Estimates?

LORD J. RUSSELL: It is my intention not to go on with the Navy Estimates on Monday; but if the debate on the Ecclesiastical Titles Bill be adjourned this evening, then to go on on Monday with the adjourned debate. I may as well take this opportunity of stating, with regard to the notice which I gave, that on Friday next my right hon. Friend the Chancellor of the Exchequer would state what alterations he proposed to make in his financial statement, that since then the hon. Member for Inverness-shire has given notice that he will move a vote of censure on the Government for their administration of the affairs of Ceylon. I wished to ask the hon. Member if he would lay on the table the terms of his Motion; but I find that he has gone out of town, and I must postpone the question till Monday. But, as a vote of censure on the Government is now pending, I hope that hon. Gentlemen who have notices on the paper for that day will give way, in order that a question directly affecting the fate of the Government may be brought to a speedy issue. I may likewise state that it would not be right, with a vote of censure hanging over our heads, that we should propose any financial statement; and, therefore, I shall certainly propose to wait till it be decided whether we or some future Government are to bring forward the financial arrangement for the year. I therefore trust that my noble Friend the Member for Bath, who has a Motion which stands first on the Notices, as well as my hon. Friend the Member for Montrose, who has a Motion relating to Borneo, will wave their right of precedence, in order to allow the Motion of the hon. Member for Inverness-shire to come on on that day.

Lord ASHLEY said, he had already postponed his Motion more than once; but if other hon. Gentlemen would agree to postpone theirs, he would not stand in the way.

Sir R. H. INGLIS wished to know, as the noble Lord had no opportunity of bringing forward the Jewish Disabilities Bill last night, on what day he now proposed to bring it forward?

Lord J. RUSSELL proposed to bring it forward on Tuesday next, and, failing that, he would endeavour to bring it forward some other Notice day.

Mr. MOORE said, the noble Lord at the head of the Government had stated that, with a vote of censure hanging over him, he would not proceed with the financial business of the country. Now, it appeared to him (Mr. Moore) that the question relating to the finance and taxation of the country called not only for wise, but for prompt consideration; while there were other important measures involving great changes in the law, and a permanent adjustment of the relations between the Government and the governed, in which not only was there no haste required, but in which it was important that they should legislate without heat or passion. But it appeared to him that the noble Lord was reversing the salutary order of things. He was proceeding to legislate with haste and passion on a question on which the utmost deliberation was required, and he refused to legislate at all on questions where prompt and vigorous legislation was necessary. He must say, that he would be the last man to offer a factious opposition to the measures of Government—[*Cheers*]—he declared it, he would not accede to factious opposition under reasonable circumstances. But he must say, that if it was proposed to postpone the pressing business of the country, to which the country was looking forward with impatience, merely for the sake of pressing forward measures to which the country might be looking forward with anxiety, perhaps, but certainly not with impatience; he must say that, under such circumstances, there was no course of faction which he was not entitled to take. He was willing to defer to Her Majesty's Government in ordinary circumstances, but he thought they had a right to know that the Government was a Government, and not a mere provisional machine established for their oppression; if they were to suffer, let them suffer under due course of law, not from the wishes of a set of automatons who had no power of motion except for one purpose. If, therefore, the financial measures of the country were to be postponed because a vote of censure was hanging over the Government, and if they proposed to proceed to-night with the Ecclesiastical Titles Bill, he should feel himself at liberty to move that the House do now adjourn.

Mr. F. O'CONNOR thought that nothing could be more fair or more creditable to the Government, than to postpone these measures till the charge to be brought against them was disposed of.

Lord J. RUSSELL: What I stated was, that on Friday, the 21st, my right hon. Friend the Chancellor of the Exchequer would propose the alterations that he proposed to make in his financial measures, and that we should then proceed with the Army Estimates, and that on Monday, the 24th, we had intended to proceed with the question of the continuance of the income tax. The right hon. Gentleman the Member for Stamford has given notice of a Motion on that question, and what I say is this, that as on Tuesday, the 25th, the vote of censure is to be proposed, it would be inconvenient to the House—more inconvenient to the House than to us as a Government —that we should proceed with that question on Monday. But I never proposed that the financial statement should be postponed.

MR. W. WILLIAMS said, that recent proceedings showed the necessity of altering the rule of the House, which required 40 Members present before a House could be made. He himself had a Motion on the paper of the greatest importance, involving an expenditure of 7,000,000*l.* of the public taxes, which were expended in direct violation of what he considered to be constitutional principles. In consequence of that he should be reduced to the necessity of bringing on the question on going into Committee of Supply. When Gentlemen connected with the Government were interested in any measure that was likely to come under consideration, they took good care to secure a House; but when independent Members had Motions on the paper those Gentlemen thought proper to absent themselves. Last night, when the House could not be made, there were several Members in the library and in the lobbies. On that, as on similar occasions, Gentlemen were actively at work in preventing a House being made. He would not repeat what was said on such occasions; but there could be no doubt of this, that impediments were thrown in the way of forming a House and proceeding with public business. All he should now observe was, that he intended to take an early opportunity of bringing his Motion under the notice of the House.

The CHANCELLOR OF THE EXCHEQUER said, that he was quite as much disappointed as the hon. Member for Lambeth; and, with reference to the money which the hon. Gentleman said was paid unconstitutionally, he begged to inform him that a great part of it was paid in conformity with Acts of Parliament, and much of the remainder was paid on old constitutional principles. He had come down last night with his box under his arm, to show all this to the hon. Gentleman, and to his surprise and disappointment he found that from there being no House he was not able to meet him.

MR. T. DUNCOMBE would ask a question of the right hon. Gentleman upon whom the Government relied for making a House when the noble Lord at the head of the Government had important business on the paper. The noble Lord's Motion respecting the Jewish disabilities stood second yesterday; but though last year he promised to take an early opportunity of bringing forward that question in the present Session, and had had that opportunity yesterday, he now came down in breathless haste to persecute the Roman Catholics, whilst he totally and entirely neglected the Jews. It made all the difference whether the noble Lord had had a Notice on the paper yesterday or not. If private Members only had notices, it would have been their duty to make a House; but when the noble Lord had a notice also, it was his duty to have made a House. It would have been better if the right hon. Gentleman the Chancellor of the Exchequer had been in his place at four o'clock, instead of walking down with his bundle of papers at half-past. Who were the Members of the Government who were there yesterday? Only one! The Secretary of the Treasury. And he was "alone in his glory" on the Treasury benches, not one single Member of the Government besides being present. It could not be too often repeated what had been laid down by Mr. Canning on the subject. Mr. Canning used to say that it was the duty of the underlings of a Government (and the rule applied particularly to those whose offices were more ornamental than useful, such as the Lords of the Treasury)—that the first duty of those underlings was to form "a House;" next, to keep "a House;" and, thirdly, to cheer the Ministers. He thought the noble Lord would be indebted to him for the hint, as the Government appeared to be rather in want of a cheer sometimes. He hoped the noble Lord would have a notice to that effect posted up in all the Government offices, and that whenever there was any public business of importance coming on, he would command them to help in making a House.

LORD J. RUSSELL could only say that his general directions to the Secretary of the Treasury was to make a House on all occasions, independent of what business was set down in the paper. The Government were the losers more than any one else by the House not being made, from the inconvenience of the Motions, of which notice had been given, coming on other nights when the Orders of the Day stood first. Last night his expectation was that a House would be made, and the Secretary of the Treasury assured him that he had used every exertion to make a House.

MR. BARNARD rose to state, in confirmation of what the noble Lord had said, that though he was not an underling of the Government, yet he had received a note from the Treasury requesting his attendance yesterday evening.

MR. HAYTER begged permission to say that he took all measures for the purpose of securing a House, however unsuccessful they might have been. When he came to the House he found some Members—not Members of the Government—reluctant to come in, and he was unsuccessful in inducing those Members to come into the House. Having made the attempt, he was present when the House was counted, and expressed to the hon. Member for Lambeth his regret that his efforts should have been unavailing to obtain the advantage for him of an opportunity to make those charges of which he had given notice.

The House at its rising to adjourn to Monday.

ECCLESIASTICAL TITLES ASSUMPTION BILL.

Order for Second Reading read.

SIR R. H. INGLIS begged to present several petitions from British colonies, praying that the provisions of the Bill be extended to wherever Her Majesty's prerogative extends; also a petition of a different kind from a Gentleman formerly a Member of that House, the Hon. Craven Fitzhardinge Berkeley, which recited certain circumstances to which he would respectfully ask the attention of the House. It stated that Augusta Talbot resided until lately in her mother's house, and subsequently with the Earl and Countess of Shrewsbury; that she was a ward in Chancery, but, notwithstanding the fact of her being such ward, she had been placed, last September, in a convent at Taunton, not as a pupil, but as a postulant, with the avowed object of becoming a nun; that by September, 1851, the year of probation would expire, and that she would be still under age; that she would still be a ward of Chancery; that her fortune of 80,000*l.*, on the 6th of June, 1852, when she attained her majority, would, according to the laws and usages of the Church of Rome, cease to be hers; she would have no control over it; that her fortune would become confiscated to the use of the convent, or other uses connected with the worship of the Church of Rome; that not only the petitioner, the stepfather of the young lady so being under age and a ward of Chancery, was deprived of all communication with her, but her half-sister, a child by a second marriage, was equally prevented from having any communication with her. She was her nearest female relative, and was thus prevented from cultivating those natural feelings and affections which ought to grow up between sisters so situated, and would grow up under other circumstances. The prayer of the petitioner was—

> "That this House would introduce into the Bill a clause enacting that no infant, whether a ward of Chancery or not, should be permitted to be placed by parents or guardians, or any other person whomsoever, in any convent, seminary, or place of education, as postulant during the minority of such infant; and that any property of such infant, so having been placed, whether absolute or contingent, should vest in and enure to Her Majesty, and be disposed of as Her Majesty might be pleased to direct by warrant of her sign manual, provided that such property should not go to the Church of Rome, as by the laws of the Church of Rome it otherwise would."

Motion made and Question proposed, "That the Bill be now read a Second time."

The EARL of ARUNDEL and SURREY said, he should propose that the Ecclesiastical Titles Assumption Bill be read a second time that day six months. He should treat the Bill not in the form in which it at present stood before the House, but in the form in which the Prime Minister had given notice of his intention to press it. That would be the simplest way, and it would produce no inconvenience, inasmuch as if certain clauses were to disappear altogether, they had no occasion to allude to them; and if they were proposed, an opportunity would subsequently be given for their discussion. This Bill had been prepared during a period of great excitement caused by the Pope's creation of a Roman Catholic hierarchy in this country; caused by the change of the spiritual organisation under which Roman Catholics had hitherto lived, by the change of vicars-apostolic into bishops in ordinary, and a regularly constituted hierarchy. This was said by the people of this country to be an insult to the nation, an infringement of the prerogative of the Crown, and an infraction of international law. Now he would ask permission to glance at what had been the condition of the spiritual affairs of the Roman Catholic Church in this country since the Reformation. In 1598, under the reign of Elizabeth, the last Roman Catholic bishop—the last bishop of their ancient faith—the Bishop of Lincoln had died, and the Roman Catholics became deprived of any ecclesiastical head in this country. At that time, under all the difficulties of the case, the anomalous office of arch-priest was created in England with episcopal jurisdiction. But even at that time many of the principal secular clergy in the country remonstrated against that appointment, and demanded the constitution of a regular hierarchy. The arch-priest, however, was appointed, and the Roman Catholics were governed by him and his successors from 1598 to 1623. In 1623 the demand of the Roman Catholics for some episcopal jurisdiction became more urgent, and in that year a vicar-apostolic was appointed to govern them. From 1623 to 1688 they were governed by a vicar-apostolic. In 1688 four vicars-apostolic were appointed by the Pope, who, to use the fashionable modern phrase, parcelled out the country into four districts. From that period these vicars-apostolic governed the country till 1840. Then the country was divided into eight districts, and eight vicars-apostolic were appointed. In 1850 the hierarchy which had caused so much commotion in this couutry was appointed. Why did the Pope establish a hierarchy? They all knew the irregularity which any body, and particularly a religious body, got into when regular discipline and organisation was not in use amongst them. That was the case amongst the Roman Catholics. They felt all the inconveniences of an unestablished Church —of a Church not ruled in the ordinary manner — therefore many irregularities prevailed for want of that discipline. Therefore the Roman Catholics of England—laity and clergy—petitioned the Pope of late years to grant them a regular hierarchy. He (the Earl of Arundel) signed one of those petitions; and if any man had told him at that time that he was infringing the Queen's prerogative, he should have deemed him mad. That was not their intention in the least. After a time the thing was arranged. Now they were told that a great part of the insult—the noble Lord the Prime Minister and his Friends had urged it strongly in and out of the House—was that the Prime Minister and the Government of the country were not informed of the Pope's intention. He was surprised that the noble Lord should have complained of that. He did not wish to quote extracts to show the inconsistencies of the noble Lord, but in the present instance it was part of his case; and he would ask the permission of the House to read extracts from speeches of the hon. Member for the University of Oxford, and of the noble Lord himself, which would prove that so early as February, 1848, the hon. Member for the University of Oxford drew the attention of the Prime Minister to the asserted intention of the Pope to create bishops and dioceses. No intimation was given at Rome or elsewhere that that would be contrary to the wishes of Her Majesty's Government. On the 17th of August, 1848, that hon. Member thought it his duty again to recur to the subject, and bring still more distinctly before the House the statement which he had made. Upon that occasion, the question under discussion was the Bill for diplomatic relations with Rome. The noble Lord had had his attention for months directed to the circumstance; he had, no doubt, maturely and well considered what should be the policy of this country with respect to Rome, and he proceeded to lay down what he thought would be the right course to pursue, not with respect to Pope Pius IX. alone, but with reference to the Pope, whoever he might be. To prove the truth of what he had stated, he would ask permission to read extracts from their speeches upon the occasions alluded to. On the 16th of February, 1848, the hon. Baronet the Member for the University of Oxford, said—

> "It appeared then, as his statement had not been contradicted, that it was the intention of the Court of Rome to subdivide Her Majesty's European dominions, as well as those beyond sea, into bishoprics, without the consent of the Crown of England; and he contended, in the language of the Dean and Chapter of Westminster, whose petition he had the honour of presenting in the course of the present Session, that it was high time that England should," &c. [3 *Hansard*, xcvi. 707.]

So that the intention of the Pope was distinctly stated. On the 17th August the hon. Member again adverted to the subject. He said—

> "He had no objection to call him Bishop Wiseman—his objection was to calling him 'Archbishop of Westminster.' He did not deny that there were bishops in the Church of Rome—he only objected to their claiming to be bishops of places in his Queen's dominions, and against his Queen's permission and authority." [3 *Hansard*, ci., 212.] "Would any State in Europe, whether Protestant or Roman Catholic, have permitted the Pope of Rome to carve out a portion of the native dominions of that State, and to divide it into archbishoprics and bishoprics, without communication with its own Sovereign? He trusted that his noble Friend at

the head of the Government would state distinctly, as he believed he could have done a few months ago, that a delicate intimation had been made to the Pope that he could not be permitted to create a bishopric in the Queen's dominions without the Queen's consent. He did trust that the noble Lord would state this; although the statement had, he believed, appeared in the *Tablet* in England, and in the *Freeman's Journal* in Ireland, that bulls were introduced into this country at this moment, and without the sanction of the Queen, dividing the Queen's dominions into archbishoprics and bishoprics, and filling them with persons not appointed or recognised, or acknowledged by the Queen." [3 *Hansard*, ci., 214.] He had stated to his noble Friend at the head of the Government that he should feel it to be his duty to ask him two or three questions with respect to certain letters, and also with regard to the appointment of archbishops and bishops in this country without the consent of its Sovereign." [*Ibid.*, p. 216.]

In the same debate the noble Lord at the head of the Government said—

"An hon. Gentleman has asked me some questions with regard to certain proceedings that have taken place. I do not know whether he wishes to ask me now with respect to the creation of Roman Catholic archbishops in England. I do not know that the Pope has authorised in any way, by any authority he may have, the creation of any archbishopric or bishopric with dioceses in England; but certainly I have not given my consent—nor should I give my consent if I were asked to do so —to any such formation of dioceses. With regard to spiritual authority, the hon. Gentleman must see, when he alludes to other States in Europe, that whatever control is to be obtained over the spiritual authority of the Pope, can only be obtained by agreement for that end. You must either give certain advantages to the Roman Catholic religion, and obtain from the Pope certain other advantages in return, among which you must stipulate that the Pope shall not create any dioceses in England without the consent of the Queen; or, on the other hand, you must say that you will have nothing to do with arrangements of that kind—that you will not consent, in any way, to give any authority to the Roman Catholic religion in England. But then you must leave the spiritual authority of the Pope entirely unfettered. You cannot bind the Pope's spiritual influence unless you have some agreement. For my own part, I am not disposed to think that it would be for the advantage of this country, or that it would be agreeable to the Roman Catholics, that we should have an agreement with the Pope, by which their religious arrangements should be regulated." [3 *Hansard*, ci., 219, 220.]

That was the noble Lord's deliberate opinion upon that occasion, the matter having been fully considered, and his attention having been called to it for months before. After that statement, had not the Pope and his advisers a right to believe that, though the noble Lord would not give his consent, if asked, he would not oppose the thing if done? Was it not giving an invitation to the Pope to use the natural spiritual authority which the noble Lord said the people of this country left in his hands? And, taking into consideration that it was quite in accordance with much that the noble Lord had said, the Roman Catholics had no reason to conclude that the Prime Minister or Government did object to the creation of these dioceses. Then, with respect to the infringement of the Queen's prerogative: this establishment of a hierarchy did nothing that the Queen could do. It prevented the Queen from doing nothing; it touched nothing; it changed nothing; it only affected those whose conscientious submission to the spiritual authority of the Pope was by the law admitted. The noble Lord the First Minister of the Crown had told us that the law officers of the Crown declared that the assumption of titles in this country was not illegal at common or statute law, but that the bulls making those titles were doubtful at common law, and that at statute law they were illegal. Now it would not be difficult to prove that at common law they were not illegal. But this Act did not affect the bulls at all. It only affected the titles, and made unlawful that which was lawful by the Act of 1829, and inflicted penalties. He admitted the justice of the noble Lord's reasons for not legislating upon bulls on account of the difficulty of distinguishing between one sort and another; he admitted that he was right in not legislating upon that subject, but it was a subject which this Bill did not interfere with. With respect to—and upon which therefore he was not called upon to enter—the infringement of international law, it was difficult to treat of that in spiritual matters. But the way to deal with such an infringement was by negotiation, not by proposing a Bill in this country which affected in no degree the party infringing the international law. A great deal had been said with regard to Cardinal Wiseman's pastoral. Now, that pastoral, whatever hon. Members might think of its style, was addressed to Roman Catholics only. It was natural to address them in a strain of congratulation. It was addressed to Catholics alone; and, although they might hope Protestants would not envy their joy, at the same time they could not expect their sympathy. Some of its expressions had been objected to, not by common people from whom it might have been expected, but the noble Lord himself considers, with respect to some sentences of the pastoral, that the terms of governing assumed supreme authority. He would cite the observations of the noble Lord:—

> "'We govern, and shall continue to govern, the counties of Middlesex, Hertford, and Essex;' and in the case of five other counties the same pretensions were set forth. Now, Sir, I cannot see in these words anything but an assumption of territorial sovereignty."

Now, he was really astonished that the noble Lord could have quoted that passage without giving them the conclusion of it, which made a most material difference in the meaning. The pastoral said—

> "So that at present, and till such time as the Holy See shall think fit otherwise to provide, we govern, and shall continue to govern, the counties of Middlesex, Hertford, and Essex, as Ordinary thereof, and those of Surrey, Sussex, Kent, Berkshire, and Hampshire, with the islands annexed, as Administrator with ordinary jurisdiction."

He governed, therefore, not as sovereign, but as "ordinary thereof;" that is, bishop; and if he had been writing vicar-apostolic, he would have said he governed as "vicar-apostolic." The expression "continue to govern" was no defiance to the ruling power of this country. It was merely saying, that until another bishop should be appointed, he should continue to govern those other counties as administrator until a bishop should be appointed to them. With respect to the use of the word "govern," it was a constant expression not only in Roman Catholic bulls, but in writings of the Church of England. It was used throughout the apostolic letter of the Pope, so as to show in what way the Church government should be conducted. For example, he said, quoting a former apostolic letter, "committing the government of the whole of England in spirituals to the vicars-apostolic of the London, Eastern, Western," and various other districts: so that it was merely a spiritual government. Again, he said in his own words, "But in the sacred government of clergy and laity, and in all other things appertaining unto the pastoral office, the archbishop and bishops of England will henceforth enjoy certain rights and privileges." Then, again, the Bishop of Apollonia, who, in 1840, was vicar-apostolic of Wales, after describing what vicars-apostolic are, said, "By these the Catholics of this country have been governed, in ecclesiastical matters, for nearly two centuries." And in the *Wesleyan Centenary* you find this:—

> "The power of government which Mr. Wesley possessed during his life, by his appointment devolved upon the Conference after his decease; he having nominated its members, provided for its perpetuity, and defined its powers by the 'deed of declaration,' of which an account will be given in a subsequent part of this narrative."

Now, what is the difference in the position of Roman Catholics under bishops, as compared with what it was under vicars-apostolic, so far as the people out of that religion was concerned? Not any. But for the disturbances which had been created, the people of this country would never have known any difference, the Roman Catholics would have gone on under their bishops, and the change would have affected no one. It gave them no legal power, no money, no temporalities—nothing. It had been said by the noble Lord the Member for Bath, that the Church claimed every baptised person. So she did. But had she the power to enforce that theological deduction? Did this change give her any power of enforcing it? Did not the vicars-apostolic do it? Did not every priest claim every baptised soul, just as much as the Pope? Of course he did. The wish of Catholics for legislation in this matter had been made a great deal of. Now, a letter written by Mr. Langdale to the noble Lord—and he would say here that Mr. Langdale's name ought never to be mentioned by an English Catholic without reverence and honour—proved that nearly all the Catholic Peers, a great many baronets, and some 600 or 700 gentlemen, had signed an address of thanks to the Cardinal for obtaining the hierarchy; and he (the Earl of Arundel) presented the other day a petition, signed by 461 of the secular clergy of this country (being more than 9-10ths of the whole number), from which he would read a paragraph:—

> "That your petitioners firmly and respectfully declare to your honourable House, that so far from being indifferent or averse to the late normal reconstruction of the Roman Catholic Church in England, it has been to them and to their predecessors an object of their most earnest desires and frequent petitions."

What would be the result of the legislation upon which they were now engaged? One result might be evasion. Was it a statesmanlike act to pass a law which might be evaded? They had seen in Ireland the evils of a conscientious evasion of the law. When you were conscientiously obliged to disobey or to evade the law, it was but one step further to treat with less reverence those laws which you ought conscientiously to obey. Another result of this Bill would be fine or imprisonment. Now, every 100*l.* they took from one of those bishops would be 100*l.* taken from the poor Roman Catholics of England and Ireland. When they had got all their money, and that would not take long, they would then be obliged to imprison them. But the staunchest Protestants of this country would not, he thought, allow bishops to be long imprisoned for conscientious convictions. Another result was exile. When a bishop was too much persecuted in his diocese to remain there, he must go out of the country; and he did not think it would meet the views of statesmen, then, that the Roman Catholic bishops should be scattered along the coasts of Holland, Belgium, and France, feeling justly indignant at the law by which they had been exiled, and surrounded by foreigners, who denounced in their ears the injustice of that banishment, contrasting their state with that of the Protestant inhabitants of Belgium and France, and with the Catholic inhabitants of Holland. It would be a most vexatious persecution, and one which could not be expected from this country, which boasted to be at the head of all other countries in liberty and progress. This was not the manner in which the thing had been done in other countries. In despotic countries it might be so. But look at constitutional countries. Look at Belgium, where the Count de Theux, himself a most earnest Catholic, at that time at the head of a large Catholic majority, proposed and carried a measure for the payment of Protestant clergy from the State, not for their own subjects—for they had no Protestant subjects—but for foreigners residing in the country; and this proposal met with neither remonstrance nor opposition, public or private, from any of the bishops or clergy of Belgium. Again, in Holland, a Protestant country, a conversation had recently taken place in Parliament upon this subject, and the Minister for Foreign Affairs declared his wish that every sect in the land should carry out the complete organisation of their government as to their faith, in any manner which they judged proper. Not only was that Bill laid before the Roman Catholics (which they should do their best constitutionally to defeat), but they were threatened on all sides with ulterior measures. This was but the beginning of a persecution. Now, he knew that they were few in numbers —he spoke of England, for Ireland had many representatives, eloquent, and able to take the part of the Catholics there. Here they were few; they were defenceless, physically; but whatever measures Parliament might succeed in passing, they should put their trust in God, and if it was His will they should suffer, they would do so with loyal patience and with Christian firmness.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. REYNOLDS had the honour of seconding the Motion of the noble Lord the Member for Arundel. He was well aware that the Motion, if carried, would lead to the virtual defeat of the Bill, and he was candid enough to acknowledge that such was his object. The noble Lord, who just sat down, had spoken so well on the English part of the question, that it was almost unnecessary for him (Mr. Reynolds) to occupy any portion of the time of the House upon that branch of the subject. He would therefore devote the observations he should address to the House principally to the Irish portion of the question. He might say in parenthesis that he could not express his surprise and astonishment that Ireland should be at all introduced into the measure. Let him not, however, be misunderstood, for inasmuch as the Bill was calculated to oppress the creed of Catholics in the united kingdom, he rejoiced that it also included Ireland; and his feelings of pleasure on this point were derived from the reflection that in Ireland the Catholics were strong, and were able to offer constitutional resistance to the Bill. By her efforts, through her representatives in that House, and by her influence through the meetings of her people assembled in her counties and her parishes, she was able to speak in such a manner as must entitle her to respect and attention in that House. He was well aware that those who in that House wished the Bill rejected altogether, had a most difficult part to play, for the public mind in Great Britain had been much inflamed by a variety of machinery. He was not unmindful of the fact that the people of England had been led astray by violent letters and by violent speeches. He could not close his eyes to the fact that the noble Lord the First Minister of the Crown had issued a most violent letter dated Downing-street, 5th November, and addressed to the Bishop of Durham, and on referring to the day— [Lord J. RUSSELL: The 4th November.] He thanked the noble Lord for the correction, for it brought it nearer to a date to which he was about to refer—the anniversary of the Gunpowder Plot. It seemed to him that the letter had been prepared at what was conceived a most opportune time—when the tar, the feathers and straw, and all the paraphernalia of the Guy Fawkes party were abroad. He was not unmindful that the Bishop of London, in October preceding, addressed a pastoral to those under his spiritual jurisdiction, in which he used most violent, and, without meaning personal offence, he (Mr. Reynolds) would say most unchristian, observations regarding the Roman Catholic creed, although the right rev. Prelate preached to the lay portion of his subjects to be temperate and moderate in their language. While, however, he (Mr. Reynolds) was speaking of letters, he might say that there had been another letter, also written in November—he meant the letter of the right hon. Baronet the Member for Ripon to Mr. Howard. The two letters, that of the noble Lord at the head of the Government, and that of the right hon. Baronet the Member for Ripon, were now before the public, and to the public he (Mr. Reynolds) said, "Look on this picture and on this"—"Look to the Russell to Durham letter, and the Graham and Howard letter." He wished to express his sincere thanks to the eminent and constitutional statesman who had written the letter to Mr. Howard, and at the same time to express his deep sorrow and regret that the noble Lord should have been induced to pen his intemperate letter to the Bishop of Durham. But the aspect of the House had considerably improved since he last addressed them upon the subject of this unfortunate Bill—a Bill which was as bad as any that had ever been protested for non-payment. He had heard with satisfaction the able, eloquent, and liberal speech of the right hon. Baronet the Member for Ripon, and he was gratified to find that the same noble sentiments had been expressed in another place. He alluded to the speech of the Earl of Aberdeen. The noble Earl agreed with the right Member for Ripon. And what did the right hon. Member for Ripon and the Earl of Aberdeen say? They said to the Protestant people of England, "You have been misled; you have been told that the Church is in danger; now we, who are orthodox Protestants, we, who are sincere Protestants, and not Protestant Dissenters, tell you that the Protestant Church is not in danger. That one stone of that edifice is not likely to be removed by the Papal bull, or by Cardinal Wiseman. We require no Bill at all. Neither the Bill in its present shape, nor the Bill in a modified shape." He believed that the people of England had read and digested these speeches; that they had compared the Durham, with the Graham letter. The people of England were not to be gulled at all times; though they had often been gulled, they would not be gulled now. The people of England would say this—"The right hon. Member for Ripon, and the Earl of Aberdeen, are as good Protestants as the Prime Minister at all events. And while we have such watch-dogs to guard the citadel of Protestantism, there is no danger of its being assailed by the Pope, or taken possession of by Cardinal Wiseman." But the noble Lord, at the head of the Government had said, that the whole matter in dispute was an insult. An insult! Why, what was the meaning of an insult. Intention was an essential ingredient in an act which was said to be an insult. He was quite certain that the noble Lord did not believe it; that no one on the Treasury bench believed it; and, if he might say so without meaning the least offence, he (Mr. Reynolds) did not believe it. In Ireland, the usual course when an insult was offered was, that it was followed by personal chastisement; and formerly an insult was settled in a part of Phœnix-park called the Fifteen Acres, and there was no more of it. But this insult was to be settled by an Act of Parliament. This Bill was a virtual repeal of the Act of 1829, and it appeared that very high authority endorsed that declaration. He spent ten years of his life in assisting a great and illustrious Irishman, who was now in his grave, in endeavouring to carry that Act, and they were assisted by great numbers of his fellow-countrymen in Ireland and England; and they were not exclusively Catholic, for there was scarcely a name that adorned the list of Protestant statesmen that was not with them. He recollected it was once proposed as a condition of emancipation that the Catholics of Ireland should give to the Sovereign a veto in the appointment of bishops. They rejected that proposal with disdain, and remained twenty years unemancipated rather than accept such disgraceful conditions. They were emancipated without these conditions, and now they were told, twenty-two years afterwards, that they must bow their necks and submit. The complaint was, that Cardinal Wiseman, in his published letter, said, "I govern, and shall continue to govern, the counties of Essex and Middlesex," &c. That was the insult, and a Minister of State said the transformation of vicars-apostolic into bishops was an invasion of the Queen's prerogative. Now that betrayed great ignorance. The title of bishop was not a territorial title at all. Her Majesty possessed no power to make a bishop. According to the form, at all events, the deans and chapters were called upon to elect bishops, and Her Majesty conferred the barony. The diocese was the barony, which was the territorial power, and the barony gave the seat in the House of Lords, and converted the spiritual peer into a legislator. Now let any one ask this question in sober seriousness—had the Pope given Cardinal Wiseman as Archbishop of Westminster one acre of land? The bull of his Holiness has not conferred on the Cardinal as much land, to use an Irish phrase, as would sod a lark. Nor had he a right by law to claim any ecclesiastical due, not a farthing. He lived now, as he (Mr. Reynolds) hoped he and the Catholic hierarchy would always live, on the voluntary contributions of Catholics. If the bull had run thus—and he should be glad to know if there was really a bull; no one had seen it, and there was no evidence of it—if the bull had said "I appoint A. B. to be Catholic bishop, exercising spiritual jurisdiction over the Catholics inhabiting the county of Middlesex," would there then be any objection to it? Not the least. There ought to be as little objection to this, because it meant the same thing. The hon. Baronet who sat near him who represented the Protestantism of the University of Oxford, did not object to their styling themselves Catholic bishops in England; but he objected to their calling themselves bishops of England, and he said that he accepted this Bill as an instalment of ninepence in the pound. It was not clear to him that the hon. Baronet would not take threepence in the pound, and give a receipt in full; but he believed this Bill was to give twenty shillings in the pound. It had been said this was an insolent aggression. Permit him to ask, had there been no Protestant insolence and aggression? Now he ventured to say, that if the whole English vocabulary were examined, and there were extracted from it all the offensive phrases it contained, they would not find more offensive epithets than those used by the Protestant archbishops and bishops against the clergy of the Catholic Church. He held in his hand a small publication which had been out only a few days, and in which some ingenious person, a friend of civil and religious liberty, put the question, which party scolded worst—the Catholics or the Protestants? and he gave extracts from the speeches of English bishops, as they appeared in the *Times* newspaper, and here were a few of them:—

> "'Popery offends and disgusts the understanding.'—Bishop of London. 'Audacity of the pretensions of the Church of Rome.'—Bishop of London. 'Base ingratitude of the Church of Rome.'—Bishop of London."

Now, he asked, what had the Church of Rome to be grateful for? Was it for having had taken from it in the remarkable reign of that virtuous monarch, Henry VIII., all its temporalities, which appeared now to amount to 10,400,000*l.* per annum? These bishops went on to say—

> "The Romish system is unchangeable in its character. We are not so degenerated as to be beguiled into the snares which her ever-watchful rulers have laid for our ruin.'—Archbishop of York. 'Foreign bondage.'—Salisbury. 'Papal assumptions are all but blasphemous.'—Gloucester. 'An unholy thing.'—Gloucester. 'The Church of Rome roars when necessary, but has the meekest and mildest blandishments when it suits her purpose'—Oxford. 'A subtle and tyrannical enemy'—Oxford. 'Tyranny of the Church of Rome'—Llandaff. 'Subtle and unclean'—Oxford. 'England defiled by her pollutions'—Oxford. 'The Church of intolerance'—Chichester. 'Her arrogant and vain assumptions'—Chichester. 'That apostate from the truth'—Chichester. 'That corrupt and domineering Church'—Oxford. 'That wilfully blind and intolerant'—St. David's. 'It poisons the minds of the people by false and insidious arguments'—Chichester. 'Her claims are blasphemous and unchristian'—Carlisle. 'Her self-aggrandisement'—Hereford. 'Great apostacy of the Church of Rome'—Hereford. 'The dogmas of the Church of Rome opposed alike to Scripture and common sense'—London. 'Superstition long ago exploded'—London."

He (Mr. Reynolds) doubted that; two hundred millions of people contradicted it. But he would give them some more elegant extracts:—

> "'The slough of Romish corruption'—London. 'A horror of the doctrines of Rome'—Oxford."

He (Mr. Reynolds) queried that—

> —"'Corrupt doctrines and practices of the Church of Rome'—Lichfield. 'Pestilential errors'—Bath and Wells. 'Delusions of dreamers'—Ripon. 'The subtlety of Romanism'—Man-

chester. 'Empty and dangerous delusions'—Manchester. 'Popish superstition'—London. 'Errors and superstitions of the corrupt Church of Rome'—Salisbury. 'Revolting system of auricular confession'—Gloucester. 'Romish doctrines have their origin in Pagan superstition'—Gloucester. 'Corrupt in doctrine and idolatrous in practice'—Oxford."

So much for the sayings of the Protestant bishops as to the doctrines and discipline of the Church of Rome, and now he would quote a few of their sayings as to the 'aggression,' as it was called:—

> "'Insult to the Sovereign'—London. 'Daring aggression'—Salisbury. 'Insolent aggression'—Oxford. 'Presumptuous aggression'—Hereford. 'Unparalleled aggression'—York. 'Most monstrous and insolent aggression'—London. 'Aggression as dishonest as it is insulting'—Worcester."

He should be glad to know where the dishonesty was? There were about fifty other extracts, which he would not trouble the House with reading; but he had read these in order to ask the question, Which side had the balance of scolding? Why, if they were to go to Billingsgate, or to the pocket edition of Billingsgate, Pill-lane, in his city—Dublin—the most abusive person in the market, even the queen of the market herself, could scarcely equal the language of these most reverend and right reverend prelates, when speaking of their brother Christians. Let them compare the mild and truly Christian language of the Catholic bishops with this clerical Billingsgate. Let the House remember that this was not the language used by laymen. This was the language used by the heads of the Church—by men who are commanded not to bear false witness against their neighbour—by men who are ministers of the Gospel, which instructs them that the old retaliative principle of an eye for an eye, and a tooth for a tooth, is abolished, and that they are commanded, if their brethren smite them on the one cheek, to turn them the other. These men belonged to a religion which commanded them, in a trumpet-tongue, to do good to those that hate them, and to pray for those who might persecute and calumniate them. Had they obeyed that mandate? They had not; but they had scolded, in all moods and tenses, a body of men who had done them not one particle of mischief; and God forbid they should! And now, that he might contribute his small mite towards the dissipation of the errors under which the people were labouring, he begged to say again, that the whole matter in dispute was this—that Dr. Wiseman had said he governed, and would continue to govern, certain counties. That had been construed to mean a territorial title. It was useless for him or any one to deny it. The noble Lord the Member for Arundel had denied it, and his Eminence Cardinal Wiseman had denied it. It had been denied ten thousand times over and over again. But some fools repeated it, and some rogues repeated it. But it has been said, that the Bill was emasculated. The second and third clauses were omitted. The first clause stated, that no Roman ecclesiastic should assume the title of any diocese or place in the united kingdom. Now, what did the Act of 1829 say? The 24th section said, it should not be lawful for any Roman ecclesiastic to assume the title of any existing diocese under a penalty of 100*l.* This Bill went further; because it said, "of any place." Now, there was no necessity to extend that to Ireland; because the bishops there had never violated that clause. He should be sorry that any one should charge him truly with using intemperate language, or with making a threat; but, bearing in mind that he was an Irish Catholic, that he professed the creed of seven-eighths of the Irish people, and knowing their strong feelings, he defied that House, if they should carry the Bill in its present shape, to carry it out in Ireland. They might carry it out in England; but the Irish Catholics made common cause with the English Catholics. In Ireland they were 85 per cent of the population, in England only 5. They did not omit Ireland from the Bill, though it was understood there was an under-current that they should. If they had, he would have charged the Government with cowardice, and told them they were acting the part of bullies in attacking the weak and letting the strong alone. But they were attacking both, and they would sink or swim together; and he thought they should swim. He had great confidence in the right hon. Member for Ripon, in the Earl of Aberdeen, and in the illustrious Duke who was at the head of the Government when the Emancipation Bill passed in 1829. He believed that he would not allow that great religious compact to be violated. And he had great confidence in the declaration of Lord Stanley, who said, they ought to inquire before they legislated. Until the 4th of November last, Lord Stanley was the most unpopular Peer in Ireland. His name, and every thing that was oppressive and tyrannical towards them, were synonimous terms. But the noble Lord at the head of the Government had changed places with him. And, when he stated that, he stated it in sober sadness, because he deeply regretted it. He regretted it, because, for twenty years of his life, he had recognised the noble Lord as the legitimate and accredited head of the great movement party in this country; he had always considered him as the talented and consistent head of the Whigs. When he entered the House he enlisted under the noble Lord's banners; he voted for him when he thought he was right; he gave him the benefit of the doubt when he had not made up his mind whether he was right or wrong; and he only voted against him when he thought he was wrong. He had now changed his position. [*Laughter.*] Allow him to correct himself. The noble Lord had changed his position. The noble Lord was now at the head of the bigots of the empire. There was not a narrow-minded, vulgar, uneducated bigot in the land that did not glory in his name, and say the noble Lord was the Prime Minister for their money. The noble Lord, they exclaimed, "would teach the Pope and Cardinal Wiseman that they were not to say anything; they were not to say black is the white of my eye" in this country. The noble Lord, on many occasions, gave us to understand that he would curtail and diminish the temporalities of the Protestant Church in Ireland. They understood him to say he was for the Appropriation Clause. He (Mr. Reynolds) should be glad to know where the Appropriation Clause was now. The noble Lord now came forward to tell that meek and apostolic prelate of the Catholic Church in the archdiocese of Dublin, "If you assume, or anybody assumes, that you are Catholic Archbishop of Dublin, the money that is willed to you for charitable purposes shall be devoted as the Prime Minister, or as Government, may determine—perhaps to the conversion of the Jews, or perhaps to the conversion of the people from the errors of Popery, and you shall be fined 100*l.*, and in default of payment imprisoned in the common jail." They understood they had a guarantee, while the noble Lord was sitting on the Treasury bench, that their liberties would not be curtailed, and that some time or other, when noble Lords and hon. Gentlemen sitting on that (the Opposition) side of the House had sown their wild oats, that they would have become converts to a little practical sound legislation; that when the noble Lord got rid of the parties who were attacking him on the flank and on the rear, that he would have relapsed into his old doctrines of liberalism, and said to the Catholics of Ireland, "Well, you are 7,000,000, it is not right that you should be made to contribute one million sterling per annum to a Church of 700,000 Protestants." But so far from his entertaining that noble and liberal view, the noble Lord came down upon them now, not only in the hour of their weakness, but in the hour of their division, and told them he would manacle their bishops, that he would violate the provisions of the Catholic Emancipation Act, that he would enact another penal law, and that this was the reward for their loyalty and fidelity and firm and unalterable attachment to British connexion. The noble Lord told them in 1851 that they must submit to this additional insult. He (Mr. Reynolds) said they would not. It was said that the Pope of Rome had neither spiritual nor temporal power in this realm. He believed that he had spiritual power, but that he had not and ought not to have temporal power. And it was not clear to him, after the division on the Motion of the hon. Member for Buckinghamshire, that the Pope had not some kind of temporal power. He would say this, that those who thought with him (Mr. Reynolds) would not swell the sails of a Minister who sought to oppress them. He voted for the Motion of the hon. Member for Buckinghamshire, and he wished that his vote should be construed not as a vote on the merits of that question. [*Cheers.*] He thanked them for that cheer from the Treasury bench. It was said that open confession was very wholesome; he was making it now. His vote was not a vote on the merits of that question, but it was a vote of want of confidence in the Ministers. He was prepared to record other such votes, and he would tell them that if he were not prepared to do so, although his own conviction went with him, he dare not show his face in Ireland. He was asked very recently, outside of the House, this question—"Surely, Mr. Reynolds, you would not think of voting against the Ministers, where you thought they were right; do not vote against them on all occasions." Well, he said, it was a very hard dose to swallow, to be compelled to vote against a Motion he believed to be right; but he had read the history of former Parliaments, and he had read somewhere that former Parliaments had withheld the supplies, not because they were prepared to say to the soldier or to the national creditor, "You ought not to be paid;" but because they were not prepared to trust the money to the Ministers. He was prepared, so long as this Algerine, this insulting measure was on the floor of the House, to vote on all occasions in order to mark his indignation against the Government that could make so unwarrantable an assault upon the creed of himself and his fellow-countrymen. He was speaking for himself; he was not guilty of the unpardonable presumption of speaking for other Catholics, but if he could form an estimate of their own opinions, he thought he could say to Her Majesty's Ministers that until they altered their course, until they could truly prove that they were really lovers of civil and religious liberty, that until they governed Ireland, and not garrisoned her as now, they would have no Catholic votes to support them in that House, nor would they have the votes of liberal Protestants. He was attacked, with reference to his vote on the Motion of the hon. Member for Buckinghamshire, that he voted against the merits. It was not for protection; the speech of the hon. Mover disclaimed protection. His (Mr. Reynolds') vote was a vote of no confidence in the Ministry, and he should vote so again. He had learned a lesson since he entered that House, that a great many Motions were not a move for the benefit of the people, but a move for office. He believed the great Whig party were desirous of keeping office, and, if they were good boys and behaved themselves, they might do so, and they should have his vote. If the Protectionists wanted office, they, the Irish, had no chance; they were so few. In fact, they occupied the position in that House of mere strangers, or of poor relations. They had no power of originating a measure for the good of Ireland with the prospect of carrying it. But he would tell them what they had. Bearing in mind that the two great political parties were nearly balanced, they believed they had the power of deciding which of the two should occupy the Treasury bench. And now he would make an offer: he might as well say he was in the market. He was to be bought. And he thought he could sell a few others who coincided in opinion with him. He would tell them what their price was. They were prepared to aid in transferring one party from that bench, and placing another party on it on these conditions—first, that they would abandon this Bill, totally and entirely abandon the Bill, and that they would introduce measures to save the millions of Ireland from dying as they were doing at present in the workhouses for want of food, food being plentiful and reduced to a drug price. He called on them to put an end to a system under which 220 paupers in a single workhouse, Kilrush, in the county of Clare, had died in one week—many of starvation. In the next place he asked them to do justice to the distillers and spirit dealers of Ireland, and to place them on the same footing as the foreign dealers. Next, he demanded that they should consider Ireland as an integral part of the British empire, not for the purposes of aggression and oppression, and centralization, but for the purpose of making her what both God and nature intended her to be, the right arm of this empire, and not a dragchain on its prosperity as she was at present. There was no one, either in the House or out of doors, that was more entirely anxious than himself, to strengthen the bonds of connexion, and to increase the affection between the two counries. He was not in the habit of preaching religious sermons, but he did, sometimes, preach political sermons on the other side of St. George's Channel; and the purport of his discourses on all such occasions was, that they should draw closer and closer the ties of amity between England and Ireland. It was his constant advice to his hearers, that they should copy the industry of England, and profit by her example, which had made her what they were not, a nation of freemen, instead of being what they were, a degraded community, and truly impoverished. He would not say that the present generation of Englishmen had reduced Ireland to what she was, but it was the bad and class legislation of the ancestors of Englishmen which had placed her in her present position; and he, therefore, urged their descendants to retrace their steps to a better and more wholesome system. As a Catholic Member of that House, he felt that an open and wanton insult had been committed by this Papal Bill upon his creed; and, in saying that, he spoke with no sectarian feeling. He knew that this mighty united kingdom contained a population approaching 30,000,000 souls, of which about 10,000,000 were Catholics; 10,000,000 were episcopal Protestants, and the remaining 10,000,000 were split into all the sections into which their common Christianity was split. They were a mixed community of Christians, and, therefore, in the name of God let them discountenance all proceedings, which, like the present, were not Christian proceedings, but were calculated to divide man from man, instead of making them love each other—proceedings which were calculated to make the country—he spoke now of Ireland, but he thought England was very little better—perfectly uninhabitable. Let them get rid, therefore, of this most absurd and mischievous measure, and proceed to transact the business of the country. Above all, let them not furnish material to make them the laughing stock of every civilised community in Europe.

Sir B. HALL had no hesitation in saying that it was his intention to give his vote in favour of the Bill which had been proposed by his right hon. Friend the Secretary of State for the Home Department. In the course of this discussion, one very remarkable feature had occurred. It had been elicited by the speech of the hon. Gentleman who had just sat down, who had boldly and unhesitatingly declared that he and his party were a marketable commodity both in this House and in the country. The hon. Gentleman said, that they were ready to dispose of themselves either to one Government or the other; but before any one attempted to purchase them, he thought it would be well to consider the value which they put upon themselves; and he would caution his noble Friend at the head of the Government not to have anything to do with them, for they would always support the Government when it suited their convenience to do so, or when they could profit by so doing. Why, if they looked at the conduct of the Irish party, they would find that ever since the year 1832, when most of them became Members of the House, they had voted first on one side of the House, and then on the other, on every kind of question; and that, notwithstanding their loud protests, they had supported the Government in the most abject manner. The hon. Gentleman had told them that unless he opposed this measure he dared not show his face in Ireland: probably he would be excommunicated if he did. His noble Friend the Member for Arundel, who had opposed the measure, had done so in a most temperate and admirable speech, and one well calculated for the very serious occasion on which they had met—for a very serious occasion he felt it to be. His noble Friend had told them that ever since the year 1598 three had been a demand for a Roman Catholic hierarchy in this country; but surely the Pope's refusing to grant one was a proof that it was quite unnecessary for the purpose of spiritual government in this country. That being the case, he (Sir B. Hall) asked why the Pope now, in the year 1851, came forward and made this aggression? There was no necessity whatever for the appointment of sees. The old constitution of vicars-apostolic was admirably adapted to the wants of the Roman Catholics in this country, and there was no cause whatever for the change, except for the purpose of giving more power to the Roman Catholic bishops in this country. If he were a member of the Roman Catholic body, he should equally protest against this assumption on the part of the Pope. In fact, what did they, the Protestants of this country, do when one of their own bishops attempted to introduce a Bill for the purpose of giving extravagant powers to the episcopal bench, such as the Pope was now attempting to confer on his bishops? They came forward and protested against the proposition; and, therefore, he was not saying what he would not do, when he declared the course he should take if he were a Roman Catholic. It had been stated that the feeling which had been manifested was not the feeling of the people of England; but he could only look upon such an assertion as puerile and absurd. A paper which had been laid upon the table a day or two since, and which had been moved for by his hon. Friend the Member for Warwickshire, completely refuted such an idea. It showed that there had been meetings in almost every county in England, with one extraordinary exception, that of the county of Kent, in which there was an archiepiscopal and episcopal city. Although at these county meetings hundreds and thousands had met for the purpose of expressing their loyalty to the Queen, the addresses had been in many instances signed only by the lord lieutenant; and yet there had been 1,006,400 signatures to addresses to Her Majesty, praying that measures might be adopted for preventing the continuance of the Papal aggression. It might be said that these addresses had been got up by the clergy, or had emanated from agricultural districts, where the people were not well informed or liberal in their opinions; but the fact was the very reverse. He had the honour to represent a district in this metropolis which was rather famous for its liberal views—the parish of St. Pancras. It contained 18,500 householders, and he had himself presented a petition signed by 14,363 out of that number. He trusted that this would sufficiently explain the sort of persons who had taken part in the movement. Hon. Gentlemen might get up in this House and talk about religious liberty, but he conceived that there had never been a greater prostitution of the term. They were striving not against religious liberty, but against religious domination. The Roman Catholics talked as if their religion was excessively tolerant, and as if the Protestants' was exceedingly domineering. The hon. Member for Mayo had explained that the reason why we had greater religious freedom in England than they had in Rome was, because England was England. But it would have been better to have reversed the question, and asked why there was not religious liberty in Rome as well as in England? The reason was because Rome was Rome—because Rome had always been intolerant. It was a fact, that Protestants were positively forbidden to worship God within the walls of the Holy City, although persons had had the presumption to deny that such was the case. And suppose that Protestants should die in Rome, the only place where they were allowed to be buried — at the very extremity of the city, at the greatest distance from their chapel, and just within the Porta St. Paolo — even there no monument could be put up over a departed father or child except with the permission of the Propaganda, and no inscription could be placed on it, when erected, without their sanction.

Sir H. W. BARRON: I know the contrary to be the fact, having erected a monument to a friend myself.

Sir B. HALL: What he asserted was perfectly true.

Sir H. W. BARRON: I distinctly deny it.

Sir B. HALL: The hon. Baronet might contradict him, but he (Sir B. Hall) must be excused if he did not stand corrected. He could relate instances within his own knowledge, if required; but he would show the hon. Baronet that whilst the Censor must be consulted, he cared not what was put up or what was inscribed, so long as there was not any allusion to Scripture. A gentleman having lost a daughter, was, after a very great deal of trouble, at last permitted to erect a tomb. He was anxious to put upon it a passage from Scripture, but he was not allowed to make any allusion to the sacred writings. At length the gentleman, not being permitted to put upon the tomb anything from Scripture, thought he would write some verses in Latin. He did so, and a solemn conclave of the Propaganda, consisting of learned cardinals, permitted it to pass, notwithstanding its sins against prosody. It commenced with two shorts and a long, followed by a short, the object being to make up a dactyl, and the lines ran as follows:—

"Quæ claris fueram prælata puellis,
Illa ego hoc brevi condita sum tumulo;
Cui formam pulcherrimum charites tribuêre decoram
Quam Deus cunctis artibus erudiit."

These four lines contained about as many false quantities as it was possible to get into an equal number of lines, and yet the learned conclave who would not allow any allusion to Scripture to be placed on the tombstone allowed them to pass without demur. These wonderful lines were written by a countryman of the hon. Baronet, and he had no doubt, therefore, that the hon. Baronet would be proud of such a poetical effusion. He had said before, that if he were a Roman Catholic he should oppose the measure of the Pope; and he declared, that if there should be in the time to come any effort to give to the Church of England any synodical action which would allow them to interfere in our temporal affairs, as it had been shown that the bishops of the Church of Rome did in this country, and his noble Friend the Member for Arundel, had shown that the moment the Roman Catholic bishops got a synod, they did interfere with temporal affairs; he should be most ready to oppose them. Every power for conducting their spiritual affairs should be freely granted to them — that was a province with which he had nothing to do — but the moment that the Roman Catholic bishops interfered with temporal affairs, they, as the laity of this country, ought to rise up and denounce such proceedings. Then, as to the manner in which this Bill would be brought into operation, he understood that it could not be made effective unless with the sanction of the hon. and learned Attorney General. In a remarkable speech delivered by the hon. and learned Solicitor General last Session, the hon. and learned Gentleman said, such was the admirable state of the law in this country, that if any person felt himself aggrieved, let him lay a document before the Attorney General, and he would indorse it, "Let right be done!" Now, he thought that in legislating as regards the temporal power—and he did not wish in the least degree to interfere with the spiritual freedom of the Roman Catholics—but in legislating against the invasion of the temporal power and the assumption of titles, the fullest and amplest power should be given to the subjects of the realm to require the law to be put in force, and not to leave the matter to the mere caprice of the Attorney General for the time being. He might be denounced for these opinions as one careless of the course of religious liberty, but he felt he was not liable to such an imputation. He looked on the question as a mere temporal matter, and one in which the prerogatives vested in the Sovereign had been invaded. He wished to declare that the Pope had no temporal power in this country, and that we would not allow the Sovereign of this realm to feel for one instant that we had a divided allegiance, or that any person could divide that authority with her which She ought to possess. On these grounds he should support the second reading of this Bill, and he hoped that its provisions would, before it passed the Legislature, be sufficiently effective to meet the object for which it was framed.

Mr. ROUNDELL PALMER: I rise, Sir, with much more than ordinary anxiety to state the reasons which have made me think it my duty to vote against the second reading of this Bill. Sir, I am not insensible to the duty we all owe to regard the expression of public opinion, especially in a matter of this great importance; nor am I insensible to the great amount of public opinion which has been expressed on this question, or to the depth and strength of the feeling which has been manifested throughout the country. I confess that if I could interpret what has taken place out of doors as a deliberate and well-considered demand for this species of legislation, as necessary to protect the secular interests of the public, and to deliver the country from any political danger, I might be led to hesitate before I trusted myself in coming to a conclusion opposed to so much public sentiment. But I have seen, and all must have seen who have attended to the subject, that with the public it is not viewed as a mere political question. It is viewed in that light of which I join with them in appreciating the importance—it is viewed in the light of a question, if not solely of religion, at all events of mixed religion and politics, and the most important bearing of which is of a religious character. It is as a repetition of the ancient protest of this country against what we believe to be the false spiritual principles and the spiritual aggression of the Church of Rome—it is as a solemn repetition of that protest that I chiefly view what has been going on out of doors; and viewing it in that light, and acknowledging that the occasion is a legitimate one for such an expression of such an opinion, I confess that I, for one, cannot attribute to it the same degree of importance with reference to the particular question now before us—namely, whether this species of legislation is required by the emergency which has arisen. In approaching the subject from that point of view which every speaker in these discussions has admitted to be the only right and legitimate one in this place, not as a theological but as a political question, as a question of State, and not of religion or the Church—in approaching it from that side, I own that my mind is much more alive to the danger which false and erroneous legislation of this nature might cause to the great principles of civil and religious liberty, than to any imagination which I am able to grasp or apprehend of political danger from the aggression of the Church of Rome. It is necessary in approaching this question, and in considering the grounds stated in argument for the legislation proposed—it is absolutely necessary that we should start with a clear and distinct view of what we mean by the principles and practice of civil and religious liberty in this nation, and under the British constitution: because, if we do that, we shall sweep away a large portion of the arguments that have been urged in favour of this Bill, and we shall see that neither in reference to the practice of foreign countries (so much referred to), nor to the pretended public law of Europe, nor to those fine distinctions which it has been attempted to draw between ecclesiastical and spiritual things, can any foundation be laid, consistently with the system of religious toleration pursued in this country, for much of the reasoning and many of the subtleties which have been relied upon in support of the measure before the House. I shall not forget to deal with those points of difference which exist between the Roman Catholic church and the Protestant Dissenters. But it is important to observe, in the first instance, how we deal with our own voluntary religious communities — whether, with respect to them, we draw these distinctions between spiritual and ecclesiastical freedom—whether we admit the principles and customs upon which, in similar cases, foreign countries proceed. Now, the whole practice of religious liberty in this country clearly warrants the general position, that as much freedom is allowed in ecclesiastical as in strictly spiritual matters, to all the various churches and religious communities not connected with the State, and not enjoying any of the privileges derived from such a connection. They are all allowed to organise themselves, and to localise their organisation; they may all combine, and hold their synods and religious assemblies. Take, for example, the Free Church of Scotland, which came into existence, as it were, but yesterday. That Church separated from the Establishment—on what ground? Because it rejected the principle of State interference with church government. And what did they do? They immediately organised throughout Scotland a vast parochial system, with ministers, kirk sessions, presbyteries, and general assemblies; a more complete ecclesiastical government was never established. And we are not to think that upon such a subject as this, the State can lay down one rule for Presbyterians, and another for Episcopalians. There are no grounds for such a distinction. Nor are we to go into theological differences. It is a plain matter of fact that the peculiar government of each religious persuasion is determined by the conscientious convictions of those who adhere to that persuasion. The Wesleyans have also their class meeting, their conference of ministers, and a strictly clerical government; and there is also the case of the Synods of Ulster in Ireland, and the case of the Protestant Episcopal Church in Scotland—which is now proposed to be omitted from the Bill. We have permitted every ecclesiastical system that the convictions of each sect have dictated, without the interference and without the consent of the State, which has restrained neither their synodical action nor the powers of their local officers for the administration of the different forms of government. All this I admit may be inapplicable to a Church with foreign connection, like that of the Roman Catholics. I shall deal with that point—it is worthy of consideration; and I do not shut my eyes to that distinction. But I say that you cannot understand the elements of the question without steadily keeping before you a clear notion of the way in which we administer the principles of civil and religious liberty among ourselves, and towards our own various religious communions. Then the first question before we come to the peculiar character of the Roman Catholic Church is this — do we limit our toleration of ecclesiastical arrangements to what has once been adopted; do we adopt the principle of finality, and say, "You shall stop where you are—you shall not modify or change your development; we allow you to establish what you like once, but when you have done it once, there it is for ever?" Why, you don't do anything of the kind, and no one thinks of drawing such a distinction. Take an illustration from the very case before us. If the principle of freedom in ecclesiastical arrangements is to be allowed at all, how extravagant it is to say, because a particular Church—an Episcopal Church—was once content with missionary bishops, therefore it never should be allowed to assume its normal condition—the diocesan form; or to say that, because once it had not the use of synods, therefore it shall never have them at all. We have not hitherto dealt with any religious bodies in that way—it is totally inconsistent with our principles of toleration—for they themselves must be the judges of what they want under altered circumstances. I know of nothing more completely savouring of the real spirit of persecution — although not so intended—than what just now fell from the hon. Baronet the Member for Marylebone, who said, "If I were a Roman Catholic, I should oppose the creation of these bishoprics." Are we to legislate on the notions which we think we should entertain if we were Roman Catholics? They must be the judges themselves of their own religious system, and of their own spiritual and ecclesiastical wants. No doubt, if what they do interferes with the interests of the nation, it is the duty of the State to interpose, and that may be right and necessary; but to make ourselves the judges, in a spiritual point of view, whether the change is wanted by them or not—whether it is necessary and salutary for them or not—does seem to me to savour of the very last degree of the spirit of persecution. Before I notice those difficulties which are real ones, I must add this—that you must not forget that many religious bodies hold among their fundamental tenets those positions and doctrines which they adopt concerning matters ecclesiastical ; and, above all, the Roman Catholics. The Roman Catholic holds the tenet of the supremacy of the Pope, the necessity of episcopal government, and the whole system of the priesthood, among the first principles of his religion; and, therefore, to think that you tolerate their religion at all, and yet to exclude these things, which they regard to be necessary, is a practical self-contradiction. Now I come to consider whether the general principles we apply to our own domestic religious communities are inapplicable to the case of the Roman Catholics. I acknowledge that, abstractedly viewed and stated, there is a very important distinction between the two cases. I am far from insensible to the force of the argument, that whilst all these other communities are bodies of British citizens, subjects of the British law, acknowledging no foreign power of interference, and having no interests incompatible, *primâ facie*, with those of subjects of this country; on the other hand, we may say with plausibility, and a certain amount of actual truth, that the Roman Catholic Church in this country is, as it were, a branch of a foreign Church, subject to foreign control, and the interests of which in certain cases may be in hostility to the interests of this country. I do not deny that there is a difficulty here. But I would suggest that it is a difficulty which lies at the root, not of the question before us, but of the whole previous question, settled long ago, namely, whether you should tolerate the Roman Catholics at all. It lies at the root of the question, whether they shall be allowed to have any priesthood at all—any episcopacy at all; for all their priests and bishops are nominated directly or indirectly by the Pope : they look upon him as their superior, and are subject to his decrees, acknowledging his infallibility in matters both of religion, and necessarily, by implication, of morals, too. Well, no doubt there were circumstances in the history of this country in past times where this might lead to practical evils, such as we ought to repress, and which we were obliged to repress by temporal legislation, because the difficulty was a real one. But what result did all that legislation lead to but this—that if the Roman Catholic body was a dangerous political party when we began, it became more dangerous as we went on; and so dangerous, indeed, did it at last become, that we were forced to abandon that system of legislation, and give the Roman Catholics the benefit of our general principles of toleration. And, since that time, has anything occurred that should lead us to retrograde ? Why, we know very well, although it may be perfectly true that the character of the Roman Catholic Church may be inflexible, and although its principles in the abstract may be immutable—although it may even be true (I do not say it is so, but I am willing to assume it for the sake of argument, and I hope that the members of the Roman Catholic persuasion will forgive me for speaking so freely)—although it may even be true that, if they recovered their ascendancy in this country, we might see again the days of the Marian persecution —still, although they do not renounce anything which they have been once committed to, yet the world goes on, and times and circumstances change, the relations of the Roman Catholic Church to the politics of Europe alter, and the relations of the Government of this country to those of its citizens who are members of the Roman Catholic Church alter too. And we must look at the matter practically as statesmen, and we must divest ourselves as much as we can of the prejudices of past times, and of the contemplation and dread of mere possible or conceivable dangers. We must look at the actual case as it is, and see whether we have not now to deal with the Roman Catholic Church more as a religious community than as a political power. Its religion is that professed—some have said by 10,000,000, but I will say—by 7,000,000 or 8,000,000 of British subjects; and we cannot deal with it but as such; we cannot induce them to give it up; we must take it with all its conditions. We have done so, and determined that they may have a priesthood, an episcopate, and a Church without penal laws ; and the notion of a divided allegiance, although so plausible, and to a certain extent so true, is at last exploded amongst us. The arguments we now hear on that subject are the very same which were stated by Blackstone in his *Commentaries*, in justification of the old penal laws. Blackstone said that the mark of high treason was set upon the profession of Popish priests, and on conversions to Popery—

> "On a civil and not on a religious account. For every Popish priest of course renounces his allegiance to his temporal sovereign on taking orders; that being inconsistent with his new engagements of canonical obedience to the Pope; and the same may be said of an obstinate defence of his authority here, or a formal reconciliation to the See of Rome, which the statute construes to be withdrawing from one's natural allegiance."

No doubt all this may seem logically very correct; but we have decided that our legislation shall not be based on these alarms. We have trusted to the good feeling and good faith of the Roman Catholics; they say that they do not give to the Pope any thing which belongs to the Queen; that they do not divide their temporal allegiance. You believed them when they said so, and you gave them seats in this House; and is it then reasonable or sensible to be alarmed at their extending their ecclesiastical institutions; to regard that as an encroachment on the political independence of the realm; and to defend yourselves against it, not by seeking to turn them out of this House, and thereby depriving them of real political power, but by invading, or leading them to think that you invade, that which is dearer and far more sacred—their religious freedom—a right valued by every man far above every political privilege? Then I will ask this question—whether there is really any ground for the argument that this thing which has been done—and which we say is the motive for our legislation—is a violation of the public law of Europe? That argument, I think, is the more requiring notice, because my right hon. Friend the Secretary of State for the Home Department, throughout the whole of his speech a few nights ago, appeared to consider that if anything had been demonstrated in these debates, it was this argument, which I conceive to be a total mystification, and grounded on an utter misconception of the principles and practice of civil and religious liberty followed in this country, as distinguished from those which exist in other countries. What is called the public law of Europe upon this subject is a mere generalization—as Dr. Twiss, in his very useful, able, and excellent work, which I admire, though I differ from it, has stated—from the usage and practice of various countries of Europe. Now, if you look into the sources from which it is collected, you find that nearly the whole of it turns on the usage and practice of countries in which the Roman Catholic religion is established by the State. We know very well that, wherever a particular religion is established by the State, the State acquires a certain control over its institutions; they are adopted and incorporated into the law of the land, and of course no new element can be introduced into the law of the land by any spiritual power without the consent and concurrence of the temporal Government; a circumstance which makes the case of an established Church totally different from that of a merely tolerated religious community. The principle is the same in the cases of Prussia, the Netherlands, and other countries, where there are partial establishments on a more limited and a smaller scale. Under concordats with the Pope, and other arrangements of a similar kind, these countries have given a legal *status* and recognition to the dignitaries of the Roman Catholic Church; they have also granted them payments or endowments; and they make it one of the terms of their treaty with the Papal See that no new ecclesiastical institutions shall be established without the concurrence of the Crown. No doubt we might do the same, if we entered into the same sort of arrangements with the Pope. But we are also referred to one or two other countries whose system is more exceptional, such as Denmark and Russia. In Denmark they do not profess to give full toleration to the Roman Catholic religion at all; that, therefore, is no pattern for us. But Russia, of all countries in the world. Why, Russia makes it penal, by banishment and confiscation of goods, for a man to be converted from one religion which he previously held to another. I do not think, therefore, we are likely to learn anything from Russia on the subject of public law. In point of fact, one observation applies equally to all these Continental nations, and disposes of the whole argument founded upon their laws. It is a mere fallacy to think that they deal with questions of bishoprics and sees in a different manner from other ecclesiastical questions; it is their system, that the Government should take cognisance of all such matters, and actively interfere in their settlement; and that a civil authorisation should be required for the public exercise of any religion in an ecclesiastical form. France, for example, pays all religious communities. Napoleon, by imperial decrees, organised the ecclesiastical system of the Protestant religion; and the whole of its working machinery in France is the creation of Napoleon. Well, we do not do anything like that; and surely ours is the better principle, and all who are sincerely attached to civil and religious liberty will think so. In the very able speech of the noble Lord who introduced this Bill, to which I listened with great admiration, what must have struck everybody was, that the latter part of it answered the former. It sounded extremely well when he gave an account of what was done in all the countries of Europe, and in our own country in the days of William the Conqueror and Edward I.—rather remote authorities to appeal to—but when he came to consider what he should do, did he adopt their principles? No; he stated that it is as necessary a part of the public law of Europe that every Papal writing relating to the Roman Catholic Church should have the royal *placet* or *exequatur* as it is that a new see should have it. He has not adopted that principle—and why? First, because it is not an English principle; and then—which is a still better reason—because the country would not tolerate it. The country would not tolerate that the Government should be so mixed up with the Roman Catholic religion as this system would require, and that we should take upon ourselves the moral responsibility of authorising all their ecclesiastical arrangements. It would not choose that their bishops should have the sanction and approval of the Crown, or that their synods should be convoked under the authority of the Crown. We know very well that the Protestant feeling of the nation would revolt against that infinitely more than it revolts against what has been done on the present occasion. There is, in fact, no middle course; we must either take the responsibility of giving the Roman Catholics privileges, recognitions, endowments, and advantages of that kind, coming before the country to sanction their arrangements, or we must leave them to make their own arrangements for themselves; unless, indeed, we are to fall back on the foreign principle, for purposes totally unknown to the foreign Governments—for purposes of prohibition merely, and not of regulation and assistance. That, I think, would not be quite consistent with the principles of civil and religious liberty. And, after all, it is a fallacy to think that those countries which approach most nearly to this in the practice of religious toleration, do adopt that principle. Belgium allows the Pope to make as many bishops as he pleases; the only thing the State says is, "If you make more bishops than we think proper, we won't pay them." That is a very sensible principle; and, therefore, it appears that the case of Belgium must be an exception to the general public law of Europe, as it has been stated. Then, there are our Anglo-Saxon brethren on the other side of the Atlantic, who have more of our principles and institutions than any continental nation. They allow the Pope to make bishops and sees for the spiritual governance of the Roman Catholic people, and do not find any political inconvenience from doing so. There are also the free States of South America, which under the Spanish rule had concordats with the Pope; the concordat was broken off at the time of the revolution, and since that time the Pope has established many new bishoprics, and framed many other ecclesiastical regulations, and yet such a notion as that this is a violation of the territorial independence of the nation has never yet been broached. This brings me to the next argument, that the thing which has been done in the present instance, or the way of doing it, is an insult to the Queen, an invasion of Her territorial sovereignty, an usurpation of political power, and not a mere ecclesiastical arrangement. That is a difficult argument to deal with—first, because I do not mean to be the apologist of the thing done, or of the manner of doing it. It seems to me—I hope Gentlemen of the Roman Catholic persuasion will excuse my saying what I feel and think on this point—like many other acts of the Roman Catholic Church—arrogant and presumptuous; but, although it seems so, I do not think that alone would be a good reason for legislating. With respect to the alleged insult to the Queen, it is impossible not to feel a difficulty; because if Her Majesty really has been insulted, every one of us would think that hardly anything could be too much to mark our resentment. If ever insult was wanton and inexcusable, it would be so to one who has filled the Throne with a dignity and a moral worth—with a wealth of public and private virtues never surpassed, and not often equalled in the history of this country; and, consequently, if I could view this as an insult to the Queen, I might lose my self-possession, and be disposed to accede to anything that might manifest my sense of the wrong. But when you talk of insult, I must declare my assent to a remark made by one of the speakers who preceded me, that, in public as well as in private life, the wiser as well as the more dignified course is not to resent as an insult that which you are not very sure was intended as such. In this case I do not believe that the thing done was intended as an insult; I believe that it was supposed, rightly or wrongly, to be an ecclesiastical arrangement which, according to the spirit of our legislation, might be carried into effect without giving that offence to the Crown or the people which has been felt, and therefore that it was not done with the intention to insult. And I do not think it any territorial invasion of the sovereignty of the Crown. We must look to the true meaning of the thing, and I have not been able to bring my mind to conceive how any one can doubt that the only thing intended was to organise a diocesan episcopate for the spiritual and ecclesiastical purposes of the Roman Catholic Church in this country. Is that an invasion of territorial sovereignty? What do we mean by the phrase? I understand by territorial sovereignty the right of dominion over the land, soil, and all within it which can be subject to temporal government; whilst by diocesan episcopacy I understand a system of administration for the spiritual oversight and government of a religious communion, composed of men receiving and submitting themselves to that system. These words—bishop, province, diocese, see—are not words of political designation; they are words which existed in the language of the Christian Church for centuries before it had anything to do with politics; and when, in the primitive times, people spoke of Polycarp as Bishop of Smyrna, and of Ignatius as Bishop of Antioch, nobody imagined that these venerable men were claiming any temporal dominion over Smyrna and Antioch. If you legislate in the spirit of this Bill, you legislate against the natural use of language. This Bill does not stop at saying, "You shall not call yourself bishop of one place or another;" it goes the full length of saying, "You shall not do this under the name, style, or title of archbishop, bishop, or dean of any city, town, or place, or of any territory or district, under any designation or description whatever." Well now, what are these poor Episcopal Churches to do? How can a diocesan episcopate ever be described according to the natural use of language, but by styling the bishop as of some place? Or, do you mean to prohibit it altogether? If you do, you should say so; because this has been, from the beginning of Christianity, the normal state of every Episcopal Church—and to prohibit it would be utterly inconsistent with the principle of tolerating such a Church at all. A diocesan bishop must be a bishop exercising functions within some local sphere, limited by boundaries of a certain description. Is he to call himself by the immense circumlocution which would be necessary to make out the district lying within the limits of his spiritual jurisdiction? Or what else can he do, if he is not to take his name from some place within it, in the way that we always name districts from some principal place within them? It does seem to me that this would be a most extraordinary interference with the right of all the world to have the common use of language, as well as a strange violation of common sense. If I wanted proofs of this, I would go to your own acts. Your own officers of the Viceregal Court in Dublin were so unable to escape from the natural influence of that phraseology which everybody was using all about them, that they put on their ceremonial list of presentations those very diocesan titles which were against the Emancipation Act; and this notorious use of those titles by the Roman Catholic bishops of Ireland was so entirely winked at, that not only nothing was done to punish it, but it did not stand in the way of the bestowal of favours of every kind upon them, short of the recognition of those titles themselves by the Government of the land. How can that be reconciled with the notion, that the assumption of such names was not only prohibited by the statute, but was in itself a territorial invasion of the sovereignty of the Crown? And so with respect to the Episcopal Church of Scotland. I do not see how, as to this point of territorial aggression, the Roman Catholic Church, owing to its foreign connexion, can stand in a different position from the Scottish Episcopal Church; and those who drew this Bill must have thought so too, because there is not a word in it about foreign connexion. The Bill prohibits the assumption of episcopal titles "under colour of authority from the See of Rome, or otherwise;" so that, if a Free Episcopal Church were formed in England to-morrow, it would be prohibited by this Bill just as much as the Popish one. And yet the Scottish bishops are now to be exempted. The Scottish bishops are called by local titles, because people must talk in an intelligible manner; they really cannot use such a roundabout way of speaking as to say, "Bishops within limits coinciding with those of the ancient See of St. Andrews"—or, "Bishops of persons of the episcopal communion living within that part of Scotland which coincides with the limits of the ancient diocese of St. Andrews?" [Mr. FOX MAULE: Call them by their names.] The right hon. Secretary at War says, call them by their names; but there must be occasions when it becomes necessary to refer to their office, and then there must be some formal style, pointing to the locality of their jurisdiction. But this Bill allows no such formal style at all. That seems to me an extremely absurd thing, and if it were enforced, a very tyrannical one. I cannot think that the use of such titles by those who neither wish nor ask for any national recognition, is an assumption of territorial authority, or any offence whatever against the dignity of the Crown. Yet the noble Lord at the head of the Government went so far as to say that this was nothing less than an assumption of temporal power, and compared it with what might have happened if a person had come into England with a commission from the Pretender, claiming to be Lord Lieutenant of Ireland, or of an English county. But if that was the real meaning of the thing, the law officers of the Crown never could have told the noble Lord that they could not prosecute in this case; because, if we go to Blackstone, we find that this, if not high treason, is at least such a violation of the Royal prerogative as may be punished with fine and imprisonment, at the discretion of the Courts; and if juries believed such an attempt serious, they could have no difficulty in convicting the presumptuous intruder. The difficulty which, no doubt, the law officers felt, was this — that men sworn to do justice, and with the solemn responsibility of deciding on life and property, would see that this case was nothing of the kind, that the arrogant language used might give some colour for so representing it, but that the act done was entirely different. An absurd distinction (absurd, with reference to the argument I am now dealing with), has been drawn between these new bishops and the vicars-apostolic. The hon. Baronet who spoke before me said that the latter was a most excellent system, under which the Roman Catholics got on extremely well, and that there was no reason why they should not have gone on as they had hitherto done. If the hon. Baronet had looked a little further into the history of the vicars-apostolic, he might perhaps have hesitated before he said so. First, they were not tolerated by law until a very recent period, therefore you cannot say there was a long course of toleration; they never came into existence with the consent of the Crown, nor has any Roman Catholic arrangement ever been so made in this country. They were established in this way: in the time of Pope Gregory XV., a person named William Bishop, who had been consecrated Bishop of Chalcedon, was named vicar-apostolic in England for the first time. The House has heard a great deal about the presumptuous language of the pastoral letter—"We govern, and will continue to govern, as ordinary thereof, the counties of Middlesex, Hertford, and Essex." Why, the Papal bull creating the episcopate was framed on that creating the vicars-apostolic, and founding that excellent system which the hon. Baronet the Member for Marylebone so much admires. The words of the ancient bull are—

> "Potestate Catholica et jurisdictione vicarii apostolici generalis fulciatur, ac personas omnes tam ecclesiasticas quam laicas, intra Angliam degentes, secundum ecclesiasticas constitutiones regat et gubernet."

That is tolerably strong language, conferring powers as extensive as any which the late bull of Pope Pius can be supposed to confer. In the year 1688 the number of the vicars-apostolic was increased to four by Pope Innocent XI., who did it in exactly the way in which this thing has been done now, and the same language as to partition was employed as in the present letters-apostolic, the language of which was adopted from that bull. The present letters-apostolic thus faithfully describe it:—

> "The same Pontiff (Innocent XI.) divided England into four districts, namely, the London, the western, the midland, and the northern, with the powers proper to a local ordinary. . . . . . This partition of all England into four apostolic-vicariates lasted till the time of Gregory XVI."

And was not that felt at the time exactly as this has been now? What said the last address of the bishops of the Church of England to James II., who did not authorise this Act, for even he does not seem to have been previously consulted?—

> "Art. 7. If you would please, by your Royal proclamation, to inhibit the four Romish bishops,

> who style themselves vicars-apostolical, and by a foreign authority, not derived from your Crown, ride circuit in the land, and have presumed to cantonise this your kingdom into four provinces, and to divide it among themselves (having printed maps of it accordingly); exercising therein a jurisdiction, of which the respective bishops have been long possessed, and which by the laws of England belongs unquestionbly to them."

What is the difference, for the present purpose, between these two things? Why simply that the old functionaries were called vicars-apostolic of districts, and the new are called bishops of dioceses. That, equally with this, was a mission of persons acting under the authority of a foreign Potentate, to exercise episcopal jurisdiction in England within territorial districts parcelled out by the Pope. Yet time and experience have shown, that, after all, that was a mere ecclesiastical arrangement; it has been tolerated, though not for much more than fifty years; and the hon. Baronet the Member for Marylebone now mourns over the loss of it, as one of the best arrangements in the world. Does not this show upon what a misapprehension all this argument about territorial usurpation has proceeded? Sir, I have trespassed already too long upon the indulgence of the House; yet I am unwilling to sit down without noticing one or two other points of a more practical character, which have been urged in favour of the Bill. The noble Lord the First Minister of the Crown referred to the way in which matters connected with politics were introduced into the address of the Romish Synod in Ireland, and he said, it was a consequence of permitting these meetings that they began immediately to meddle with politics. Now, I cannot help thinking that we must remember on that point also that the principle of civil as well as religious liberty extends to religious persons as well as civil. You allow leagues and associations to exist with the view of directing or influencing the deliberations of the Legislature. You allow Acts of Parliament, and the conduct of public men, to be canvassed all over the country; and, if freedom is to be allowed to a voluntary Church of any description, you cannot possibly prevent those who exercise authority in it, from taking notice of those public questions which touch the province of religion on the one hand, and that of politics on the other. To deny this would be to take the path which led the ancient Roman Emperors to their persecutions; they thought that the early Church was an *imperium in imperio*—a political conspiracy — lording it over the institutions of the empire, and therefore to be destroyed. We know what was the end of that; and to the same end will come every measure founded upon the same coercive principle. In a free country we have no right to prevent any class of men from meeting and deliberating to the best of their judgment on public questions which concern themselves and their duties. The Irish colleges have been called godless. I never thought them so, because I considered them, in the difficult circumstances of Ireland, perhaps, the best institutions of the kind which could be provided; but I can conceive no greater intolerance than a wish to claim the exclusive privilege of pronouncing them godless. My hon. Friend the Member for the University of Oxford was the first to apply that epithet to those colleges: shall we be all in arms to resist it, and resent it as an interference with the temporal independence of the nation, when those charged with the spiritual interests of the Roman Catholics of Ireland express the same opinion, which, if true, it manifestly concerns them to express, whilst, if not true, they have at least the same liberty with my hon. Friend to speak as they think, and be mistaken? With respect to the landlord question, the practical and substantive act of the synod was to issue an exhortation by the bishops to the poor population of Ireland, not to be led into offences against the law by any grievances which they might suffer, or believe themselves to suffer, from evictions or other harsh proceedings towards them. That is a delicate matter, no doubt; and yet I think it very difficult to blame those bishops for offering advice to the peasantry to respect the law and abstain from wrong, or for accompanying it with such expressions of sympathy as would show their feeling for the hardships which some of that peasantry were suffering. The truth is, that the State is so much indebted to all religious bodies which teach the people the precepts of that Gospel, in whose code the maxims "Fear God," and "Honour the king," stand side by side together, training men in habits of order and subordination, that it must consent to afford them some latitude, even if that latitude should occasionally degenerate into excess. Then, as to the danger which is supposed by some to threaten the Church of England; I admit that this is a spiritual aggression, meant to make converts from the Church of England of those men who are so deluded as to be capable of exchanging the true doctrine in which they have been reared, for what I conscientiously believe to be the erroneous doctrines of Rome. I think the aggression more serious and formidable in that view than any other; it is a spiritual aggression, meant to present to Protestants the spectacle of a more perfectly ordered church than that which existed under the system of vicars-apostolic. But, unless we are to interfere by law with efforts at conversion, which would be a most idle and objectionable thing, I do not see how, on this ground, we can be justified in passing a Bill against the new episcopate. But I do not fear. We have every possible advantage in this contest, and not the less, because the design of our adversary is laid open. We have the free and open Bible; we have an episcopacy of our own; we have the masses of the population already with us; we have all the Protestant communities jealously vigilant upon the subject; we have money, political influence, temporal privileges, and, above all, we believe, we have the Truth. Under these circumstances, is it possible to imagine that the Church of England is to perish, or that multitudes of converts are to be made—that we are, as it were, to be converted on a sudden against our wills—merely because the Pope has chosen to turn eight vicars-apostolic into thirteen bishops? The truth is, what has taken place ought to add strength to the Church of England; the protest which has been pronounced in the country, will show our opponents how strong the religious convictions of the people are, and we shall all be on our guard, knowing that there are serious efforts being made for the spiritual extension of the Roman Catholic Church in this country. The references which have been made to the intolerant and immutable spirit of the Roman Catholic Church, the historical recollections of what passed in the days of Mary, of Elizabeth, and of James II., so far from being reasons for passing penal Acts against the Roman Catholics, are invincible reasons the other way. With such memories fresh and ineffaceable in the people's minds, it is impossible to imagine that we shall ever again fall back under the ascendancy or influence of that Power. I claim no exemption for the Roman Catholic or any other Church from temporal legislation; there are many things against which legislation might be properly directed. If any Pope were hereafter, as in the days of Elizabeth, to attempt to take away the Crown from our Sovereign, and give it to Spain, or if another Armada were sent to invade our shores, we should know what to do; that would be a political aggression, and would be met, as of old, by temporal and not spiritual weapons of defence. Even now, if it be true that priests in Ireland sometimes denounce from their altars to the resentment of the people, persons who, on political grounds, or grounds unconnected with the religious discipline of the Roman Catholic Church, have incurred their displeasure, that is a matter upon which it would well become the Government to interfere. Such a Bill, again, as that just introduced by the hon. Member for Bodmin, to prevent the forcible detention of females in religious houses, is, if wanted, right in principle. A measure for the registration of those houses might be in principle quite right and legitimate. Measures against death-bed bequests and donations would be legitimate. All these things are within the province of legislation; but this is not. And, if it were, what is this Bill? It does not touch synods or action of any kind, but only names; and those names in such a way, that when it is found there are clauses which would execute themselves, they are immediately struck out. Those clauses would not have operated on things not done under the prohibited titles; but it was clearly seen that it would be inconsistent with the principles of civil and religious liberty effectually to prohibit the assumption of those titles. There are occasions upon which it is not wished to prevent their being assumed. Even what is left will not prohibit any one but the bishop himself from calling him by the title which, in the language of his own Church, indicates the office he fills. How it can be worthy of this country to be agitated from one end to the other—how it can be worthy of the House to postpone all consideration of the finances of the country and other great and pressing questions, for such legislation as this, I must leave others to explain. For my part, much as I should wish to defer to public opinion, and still more to find public opinion with me; yet I should think I had not done my duty to the great principles of civil and religious liberty, which I esteem to be the chief glory of this country, if I had not entered my protest against this Bill.

SIR R. H. INGLIS said, that his hon. and learned Friend who had just sat down had concluded his elaborate and ingenious, but, he was bound to add, his fallacious speech, with the expression of an opinion, in which he (Sir R. H. Inglis) entirely concurred, and to which it was not, therefore necessary that he should further advert. Neither would he be tempted by the allusion made to himself to enter into a consideration of what he might have formerly said on the question of the system of education which had been introduced into Ireland by the Government of Sir R. Peel. It was enough for him to say that he had not renounced the opinions he had formerly expressed upon that point. But he should observe that his hon. and learned Friend had, in his opinion, proceeded on a great fallacy in all his historical references. His hon. and learned Friend had talked of the Episcopal Protestant Church of Scotland, of the Free Church in that country, of the Wesleyan Conference, and of the possibility of a Free Episcopal Church springing up in this country; and then his hon. and learned Friend had asked whether they were prepared to legislate in any one of those cases in a manner similar to that in which they proposed to deal with the Roman Catholic Church? But there was an essential difference between those cases and the act of aggression which they had then to consider. All the religious communities to which his hon. and learned Friend had referred, were founded on a system of internal organisation, and were dependent on no parties except their own voluntary associations. But the body with which they had then to deal was one, owing at least a divided, if not an entire, allegiance to a foreign Power. He had himself held in his hand that day a petition from the Wesleyan Conference, in which the petitioners stated that they refused to recognise the Sovereign of another State as the fountain of honour and authority in this country. It was that fact which constituted the great and fundamental distinction between the cases to which his hon. and learned Friend had referred, and the case on which they had then to decide. In order to show the peculiar position occupied by Roman Catholics in this and in other countries, he had only to quote a passage from the eminent person who had been sent over by the Pope to govern the spiritual affairs of England. "The Catholics," said Dr. Wiseman or Bishop Wiseman, "are not, and never have been, merely a collection of persons holding certain opinions in common, but they are a systematised and organised religious community, representing here the Catholic Church of the universe." The fact was that the Roman Catholics of England could never be treated as a distinct religious body, such as the Wesleyan Methodists or the members of the Free Church of Scotland—they were portions of a general system, which, to quote the celebrated pastoral letter, revolved "round the centre of unity, the source of jurisdiction, of light, and of vigour." They had always heard that the Church of Rome—whether it expressly sought or not to enforce its claim—did in effect assume that it possessed a right over every baptised person in the Christian world; and when that circumstance had been referred to on a late occasion, an hon. Member had added, "and so it ought." And then, again, the noble Lord who had moved the Amendment which they were then considering, had told them that his Church had claimed every baptised soul. They should remember, therefore, that they had to deal with a Church which admitted no salvation out of its limits, and which, in consequence, very justly and consistently claimed the care of every person who had ever been baptised. He hardly liked to follow the noble Lord in his reference—a reference which must have been painful to himself—to the number of Roman Catholic Peers who had resisted the aggression made by the chief of their religion; and he would not quote their names. But this he would say of them, that, while they were preeminent in rank, they were not inferior in talent and in character to those whose address had been presented by Mr. Langdale to Dr. Wiseman. The hon. Gentleman who had seconded the Amendment had referred with peculiar pleasure to what had fallen from his right hon. Friend the Member for Ripon (Sir J. Graham), and from a noble Earl in another place (the Earl of Aberdeen), upon that subject. But the noble Earl in question, and his right hon. Friend, too, if he was not much mistaken, had spoken of the aggression itself in language as strong as that of the noble Lord at the head of the Government, or as that of any Member of either House of Parliament. The hon. Gentleman the Member for the City of Dublin (Mr. Reynolds) should not, therefore console himself with the vote of his right hon. Friend, and forget the countervailing character of his speech in reference to the aggression which had given rise to the Bill. The difference between his right hon. Friend and those who were disposed to deal with the case by legislative enactment, was not as to the character of the aggression, but merely as to the mode in which it should be met. There were persons who thought that it ought to be met with all the powers of the law; while there were others who thought that such a mode of proceeding would be improper and inefficient; but they were both opposed to that measure which had roused the country from one end of it to the other. The hon. Baronet the Member for Marylebone (Sir B. Hall) had told them of the number of persons who had signed the petitions presented against that act of aggression, and of those who had signed the addresses to Her Majesty—a number greater, perhaps, than had ever before signed any similar documents. And what was the body from which the first and most important expression of opinion had emanated? Why, it was that distinguished body, the Bar, of which the hon. and learned Gentleman (Mr. Roundell Palmer) was himself a member, and of which he and another were the only two leading members who had not signed the address agreed to upon the subject. Then, again, that important and influential, and by no means specially bigotted body, the attorneys and solicitors, had, to the number of 6,504, joined their supplications to those which had proceeded from so many other quarters, praying that effective measures might be taken to meet that act of Papal aggression. Whether the measure then under their consideration were adequate to the attainment of its professed object, he would not then stop to inquire. In answer to the hon. Member for Dublin, who had said that he (Sir H. Inglis) was willing to take ninepence in the pound, all he desired to state was, that he would receive the least instalment in respect to a principle. The principle for which he contended was contained in the Bill, and he should, therefore, support it. But at the same time he was quite ready to admit that he was not satisfied with the general conduct of Her Majesty's Government upon the subject, any more than he was satisfied with the particular measure then before the House. On the 22nd of October last, the first news arrived in England of that which the Pope had decreed on the 29th of September. Was there no mode by which Her Majesty's Government could have met that aggression, except by the Bill they had introduced into that House on the 7th of February? His hon. and learned Friend the Member for Newark (Mr. J. Stuart) had suggested on a late occasion that there was a constitutional and obvious course by which the mind and will of the Crown might have been made manifest to the Court of Rome; and that was by a proclamation. A proclamation from the Crown might or might not, according to its subject-matter, have a legitimate influence in this country; but with respect to foreign countries, a proclamation of the Crown was as full and sufficient an exponent of the will of the sovereign power among us as any Act of Parliament to which the Crown was a consenting party. In a well-known case the Government of Brazils had entirely disregarded an Act of Parliament passed in this country, and had stated that they had nothing to do with our internal legislation, which could not regulate their conduct. He said, therefore, that, so far as foreign countries were concerned, an Act of Parliament could not have more force or validity than a proclamation from the Sovereign. He believed that Her Majesty ought, in the first instance, to have been advised to meet that aggression on Her Crown and dignity, on the independence of Her realms, on the integrity of Her Church, and on the faith and consciences of Her people, by issuing at once a proclamation; and let him say that as in Rome the publication of the bull *In Cœna Domini* affixed to a church in that city was held so be a proclamation to the whole world, so a proclamation from Her Majesty, wherever it was affixed, might be held to convey to the Sovereign of Rome the determined will of the Sovereign of this country to resist an act of aggression on his part. But there were other modes in which the will of the Sovereign of these realms might have been conveyed to the Sovereign of Rome. On the 29th of February, 1848, a Bill was brought down to that House for regulating our diplomatic intercourse with the Court of Rome. That Bill did not receive the Royal Assent until the 4th of September following. It had been forced through the Upper House with breathless haste, but it had been suffered to remain six months in this House without any effort, or at least without any serious effort, having been made by the Government to ensure its adoption. During that time the people of England expressed almost unanimously their opposition to the measure; petitions, signed by not less than 3,500 members of the parochial clergy of England, were presented against it; and he believed that if Her Majesty's Government had consulted the feelings of the people of England, they would never have thought of pressing it forward. They had, however, pressed it forward, and the Royal Assent had subsequently been given to the measure. But what had they done since? They had by their own mode of proceeding precluded themselves from that most obvious course of entering into diplomatic intercourse with the Court of Rome under the provisions of their own Bill; and they had suffered the Bishop of Rome to perpetrate an act of aggression, which had excited among us all that indignation, while by the common intercourse of diplomatic life they might have explained to the Pope their views, and have induced him to withdraw his proposition. But after Her Majesty's Government had failed to proceed in that matter, either by proclamation or by diplomatic intercourse, they had a third alternative open to them. Her Majesty had a fleet in the Mediterranean, and there were such ports as Ancona and Civita Vecchia in the Papal dominions. Those ports, or at least one of them, might have been opportunely visited by Her Majesty's forces; and representations, diplomatic in their language, might have been conveyed through the admiral commanding the fleet, upon the subject of that act of aggression, in the same way in which France and Austria had taken possession of cities and fortresses in the Roman territory for the purpose of conveying their diplomatic views. He saw no reason why England should not do what France and Austria had done more than once. But if a proclamation at home had failed—if diplomatic interference had failed—if armed intervention had failed in securing the object of Her Majesty's Government, then Her Majesty might have referred to Her faithful Commons—to the representatives of Her faithful people in Parliament assembled, and have endeavoured to persuade them to pass an enactment commensurate with the danger and the difficulty of the crisis. If Government had to take the law as their alternative, instead of a proclamation, or diplomacy or war—if the matter could not be settled without legislation, then he said that Parliament ought to have been summoned at once; for if the case deserved the attention of Parliament at all, if it deserved it in February, it deserved it in October, and he could see no reason to justify Her Majesty's Ministers from asking the counsel of Parliament in February, which ought not to have induced them to have asked it when the insult had first been offered. But in considering the question, they should look, first to the law as it was, and then to the law as it ought to be. Now it appeared that two of the first lawyers in England, his hon. and learned Friend the Member for Newark, and the ex-Lord Chancellor of Ireland (Sir Edward Sugden), had distinctly stated it as their opinion that the law, as it already existed, had been violated by the act of Papal aggression, and he believed that opinion was also entertained by many of the highest authorities upon the subject—by Dr. Twiss, by Mr. Butt, and by Mr. Warren. It was certainly the opinion of the collective wisdom of the Bar. Now he wished to know whether Her Majesty's Ministers had consulted the law officers of the Crown upon that subject, and more especially whether they had consulted the law advisers of the Crown in Ireland, who would, no doubt, have correctly represented to them the difficulties of legislating upon the question for that country. If they had not consulted the law advisers of the Crown in Ireland, then they had, in his opinion, been guilty of a neglect of their duty. He readily admitted that by the legislation of the last few years, the statutable penalties had been withdrawn from Acts of an earlier period bearing upon that subject; but he had yet to learn that the penalties at common law attached to such proceedings had been repealed. He believed that in that matter Her Majesty's Government might have appealed to the existing state of the law, with as much certainty of success as anything that was contingent could supply. But if they had not done so, they ought, at least, to have taken counsel of Parliament at the earliest possible moment. And yet, notwithstanding their delay in convoking Parliament, the greater part of their measure, when introduced, had been found by themselves, and not by their antagonists, to be either inadequate to its object, or to go further than that object; and having themselves become ashamed of it, they had asked Parliament to allow them, in part, to withdraw it. Now, it appeared to him, (Sir R. H. Inglis) that the preamble of the Bill was miserably insufficient for meeting the requirements of the case. The preamble ought, in his opinion, to have recited all the previous statutes which prohibited that species of aggression, and likewise the Papal Brief and the Apostolic Letter which had produced that excitement and agitation throughout the country. The Bill itself ought at the same time to have been much more stringent and extensive in its operation, its provisions should have extended to other matters, for it would leave untouched some of the greatest evils to which the Papal system had given rise in this country. His hon. and learned Friend the Member for Plymouth (Mr. Roundell Palmer) said that they ought not to legislate any further upon that subject because they had already recognised the existence of the Roman Catholic priesthood among us; but he (Sir R. H. Inglis) denied that former concessions should be taken as a plea for perpetual wrongs and aggression. The truth was that in that matter his noble Friend at the head of the Government had not maintained that character for unshaken courage which the late Rev. Sidney Smith had given of him. Why should the noble Lord recede? He had not been defeated by any hostile division; and if his present course was not attributable to some weakness within his Cabinet, it must be the result of some influence not obvious to the world. The noble Lord's conduct reminded him of one of the personages in a well-known poem, whose hand, its skill to try—

> "Amid the chords bewildered strayed,
> And back recoiled, he knew not why,
> Scared at the sound himself had made."

He knew nothing else, except his own fears should have guided the recent conduct of his noble Friend; and his noble Friend might depend upon it that his celebrated letter would not have produced the effect it had produced, were it not that it had fallen on gunpowder prepared to explode—that if the great mass of the people of this country had not been ready to re-echo his opinions, the noble Lord would have written his letter in vain. But the noble Lord having raised the expectations of the people by his letter—for which he had already thanked him—produced, in the first instance, a miserably defective Bill, and from that he had subsequently extracted almost all that was valuable. The noble Lord thought, with another great man, that the better part of valour was discretion, and therefore had withdrawn from the Bill what he believed might cause a collision with his Irish allies; but those allies, as one of their leaders had that day announced, were not to be conciliated by any such half measures. ["Hear!"] The hon. Member for Mayo, by his cheer, acknowledged the truth of that statement. A great statesman would have determined on his course before the crisis arrived, instead of allowing the crisis to surprise him, bringing in first one measure, then another—relaxing this and extending that, and coming before Parliament unprepared with an adequate measure to meet a danger which he had himself declared to be imminent. The noble Lord's course was plain before him. Even if he had not adopted the prerogative courses—by proclamation, by diplomacy, by armed intervention — he ought, in the first instance, to have summoned the Cabinet; then consulted with the law officers of the Crown; next, called together Parliament; and, if it had not responded to his appeal, he should have appealed to the country; and, if he had done so, did any one believe that a Parliament would not have been returned by which his hands would have been strengthened for the purpose of passing any measure to repel the Papal aggression? His hon. and learned Friend the Member for Plymouth had said that no person would think at present of placing Roman Catholics in the position they had occupied thirty years ago. But he (Sir R. H. Inglis) recollected well that one of the great arguments advanced in favour of Roman Catholic emancipation was, that it would completely satisfy and pacify the Roman Catholic body; and yet they had at that moment petitions from Roman Catholics presented to that House praying for a transfer of the whole of the property of the Established Church in Ireland, although they had themselves sworn not to do anything to disturb that property. The conduct of Her Majesty's Government upon the whole question had been extremely vacillating and unsatisfactory. They had, three years ago, received ample intimation that some such step as the recent act of aggression was contemplated; and yet they had taken no precautions to prevent its occurrence. But they had been told by his hon. and learned Friend the Member for Plymouth, that in considering that question we were not to go to Roman Catholic countries, but to take countries like our own. His hon. and learned Friend had referred especially to Prussia, Belgium, and Russia. He apprehended that the illustration failed in each instance. There was a concordat between the Pope and the King of Prussia, which there was not in England,

and that he trusted in God there never would be. And then there was an agreement between the King of the Netherlands and the Pope. There then the Pope could create as many bishops as he pleased; but it must be with the consent of the Sovereign. In Russia no bull would be permitted to enter the country without the inspection and authority of a responsible Minister. He was, he must say, surprised at the course which his hon. and learned Friend had taken, even though he was one of the two leading members of the Bar who did not give in their adhesion to the address on this subject agreed to by the great and learned body to which he belonged; yet his hon. and learned Friend had given such a vote on the first division on this Bill which led him to hope he would be one of its supporters on the second reading. He had hoped to find his hon. and learned Friend his supporter on this occasion; for though the Motion on which they had divided was that of the adjournment of the debate, still the real matter at issue was the first reading of the Bill, which that division decided. The people of England had united on this subject in a stronger manner than he believed they had ever done on any former occasion; and their object in doing so was not merely to resist this attack on the dignity of the Crown and the independence of the country, but because they believed that the power of Rome had increased in this country, by having been fostered by the acts of many persons in high places; that Her Majesty's Government had by their silence in some cases encouraged it, and by their overt acts they had given it more direct and unmistakeable encouragement. What had passed with respect to the Australian Colonies Bill — what had passed with regard to the West Indies, made them consider that Her Majesty's Government were favourable to the ascendancy of the Church of Rome in the distant parts of the empire. He held in his hand three papers referring to distant dependencies of the empire; and he told his noble Friend that he was not to be esteemed guiltless in these transactions as long as he took charge of the general administration of affairs, and when such results followed from the policy pursued by his Colonial Minister and his Lord Lieutenant of Ireland. The original concession of territorial titles was made at the bidding of the Lord Lieutenant of Ireland, and it had been but too willingly acted upon by the noble Lord the Secretary of State for the Colonies; and what had followed? He had moved for a return of the correspondence that had taken place between Her Majesty's Government at home and the administration of their Church in the Australian Colonies. He found that a very able address had been forwarded by the Bishop of Sydney to the Governor of the Australian Colonies; and when he asked for a return of the answer that had been sent to that address, he was told it was "*nil.*" He asked why was it not answered? They ought to remember that as communicants of the Protestant Episcopal Church of England, the Sovereigns of the House of Brunswick had held, and did still hold, the Crown of these realms. He asked them was it fitting that the Church of that Queen should be placed in a subordinate position, and its prelates regarded as of inferior rank, to the prelates who had been nominated by a foreign Sovereign, and that this, too, should be done without Her Majesty's knowledge or consent? According to Dr. Wiseman's doctrine, it was contrary to the rules of the Roman Catholic Church that their prelates should take their titles from districts—they should take them from cities. Now, let them look to Newfoundland, and they would find the system fostered by their Colonial Secretary; they would there find "the Lord Bishop of Newfoundland" assuming a title conferred by Her Majesty upon ecclesiastics of Her own Church. This was done by a bishop nominated by the Church of Rome. In Trinidad the Pope had created an archdiocese—this was done in another portion of Her Majesty's dominions.—[*Cheers.*] Then that was not merely recognised as a fact, but it was cheered as a matter of congratulation. He asked the hon. Member if when the Colonies were attached to the Crown of Spain, such an aggression would have been submitted to, or, if the Spanish Sovereign would, under such circumstances, have received such an archbishop? But this was not merely done in the Colonies, but titles were taken from portions of Her Majesty's own dominions. His noble Friend knew too much of history and antiquity not to know that there was an aggression when the Pope named a Bishop of Menevia, and thereby took episcopal possession of the ancient see of St. David's. But the Pope took two other sees—he took the sees of Shrewsbury and Nottingham; and if they looked to the Act of Henry VIII., they would find that these were suffragan bishoprics, and might be called into existence at any moment Her Majesty thought proper to appoint persons to fill them. This might be said to have been accident or ignorance; but he believed it was done in malice prepense, and was a wilful violation of the existing law. Then in Ireland the Pope had created a Bishop in Galway; and even since the Papal brief had arrived in England, the Pope had, by his own direct authority, created a Bishop of Ross. He thanked the House for the patience with which it had listened to him; but before he closed, he wished to remark that the ground of opposition to this aggression on the part of the Pope was their strong attachment to the Reformation, and their conviction of the blessings they enjoyed through the Reformation. They looked to the state of England before the Reformation, and since; they contrasted the state of Protestant England with the state of any Roman Catholic country whatever. They felt that the contest at issue was one between light and darkness, between freedom and slavery, between the development of all the powers of the intellect, and the prostration of all those powers before the will of others. He did not then say one word of the religion of Rome; but he referred to the interference of Rome with the growth of literature and the spread of science. The people of England knew well what were the blessings they had enjoyed personally and socially since the Reformation, and they were of opinion that those blessings were endangered by every step taken by the Church of Rome in this country. Though he never had permitted himself, since the Roman Catholics were admitted to that House, to state his objection to their religion which the Scriptures afforded him, still he must say that the objections that might be made were felt deeply by the great body of the people of England. In the success of the aggression now made, they believed that there was great danger, lest the blessings that had been so dearly purchased, and at such an expense of blood, and which were consecrated by the most glorious memories in their history, might be risked and possibly destroyed. The object of this Bill did not accomplish all that he desired; but still, such as it was, he was prepared to take it, and he hoped to find a majority of that House supporting the second reading.

Sir ROBERT PEEL said, he was quite aware of the responsibility which attached to him in attempting thus early at the commencement of his Parliamentary career to trespass on the attention of that hon. House; but the importance of the subject under discussion induced him to lay aside those scruples which, under ordinary circumstances, would unquestionably have silenced him into a mere formal expression of opinion, and gave him boldness to make the attempt of addressing them. Previous, however, to submitting the few observations which he should have occasion to offer, he was desirous of soliciting that courteous attention and forbearance which he believed was invariably extended to all those in whose favour, whether required from their inexperience in Parliamentary deliberations, or even in public speaking, and consequently from the novelty of their position, some allowance might justly be made. And would that on this, his first appearance on the floor of that House, he might not be altogether unsuccessful in acquitting himself as became the importance of the cause he was about to advocate, and the dignity and character of that assembly! Before entering on the discussion of the subject before the House, he wished to make a few preliminary observations with the view of establishing the broad basis upon which he grounded his views of religious subjects, and more particularly with reference to religious toleration. It appeared to him reasonable to conceive that man was a being endowed with all the faculties necessary for accomplishing what was required of him, and, although the path by which one man pursued his destiny might apparently be in a totally different direction, or be subject to totally different appreciations, from the course which another might pursue, yet, to all, powers of reasoning were given for discerning, conscience for loving, and liberty for choosing that which was good; and according to the gradation in which they had received those sublime gifts of a divine economy, he imagined they would all have to render an account. He was himself, personally, the uncompromising advocate of the religion in which he was not only educated, but which reason and subsequent conclusions had taught him to consider as the most likely to lead to an adequate interpretation of the Divine will as expressed to us in the Bible, and he was prepared unhesitatingly to take his stand and resist every attempt to interfere and tamper with the doctrines and spiritual discipline of the Established Church. But because he held the Protestant Church to be the best, the purest, and the most free from idolatry and superstitious mummeries, he did not on that account wish by any means to control the consciences of others, or deprive them of the free enjoyment and exercise of that which they might consider as constituting a more efficient rule of faith. He looked upon religious toleration as a sacred principle of political economy, and one which, acting in unison with the freest exercise of civil liberty, so far as it could be rendered compatible with the general interests of organised society, had secured to them the most complete system of government which the wisdom and observation of man had yet devised. He held, therefore, that toleration ought to be extended to all sects and classes of religious thinkers, without any distinction or limitation being drawn, so long as public decency and public peace and tranquillity did not suffer from the exercise of the doctrines or peculiar views of any religion. When therefore the State was called upon to legislate upon matters affecting ecclesiastical subjects, what delicacy, what forbearance, what circumspection, was it not necessary to employ, so as while wielding the temporal sword to repress abuses, not to shock the spiritual susceptibilities or estrange the loyalty of those whose religious tenets might be, as was the case in the united kingdom, at variance with those of a majority of the people? It should be remembered that religion was the chief band of human society; that history, as well as his personal experience in diplomatic relations with a foreign Power, had taught him that quarrels and dissensions on religious matters drew down upon a nation the greatest scandal, and unhinged the whole fabric of society. While, therefore, they were animated in the discussion of the subject before the House, they ought to have every desire to soothe excitement which the recent attempt to complete the organisation of a Roman Catholic hierarchy in England had not unnaturally stirred up; to be prepared to deal calmly with the evils which it had unhappily engendered, and to direct their attention, as it was their duty, to the consequences which he, for one, had reason for apprehending, unless corrected, would inevitably ensue. The noble Lord at the head of the Government had been taunted with taking a step backward in bringing this Motion before the House. He had been told that he had done that which his antecedents rendered unworthy of himself and of the great Liberal party over which he had hitherto, with so much ability, presided; but, from the opinion he had ventured to form of the noble Lord's character, he apprehended that, in the imperative discharge of a duty towards his country, he would not be deterred from the free exercise of his judgment, even by considerations of political antecedents, or at the risk of incurring charges similar to those to which he had alluded. To his mind the noble Lord was not only best consulting the interests of the party which it was alleged he was deserting, but, what was of infinitely greater importance, the interests of the country at large, by acting as he had done. And, as the enactments of this Bill—although he regretted that recent Parliamentary difficulties had induced the noble Lord to modify them—would in no way interfere with the legitimate exercise and enjoyment of religious liberty, but would merely tend to control abuse, he would give the noble Lord —in the absence of a more stringent proposition—his humble but very cordial support. Might he be permitted to add that, although a humble Member of the House, it was with deep feelings of regret that he found himself unable, after mature consideration, to arrive at conclusions in unison with the opinions which had been recently expressed by one towards whom—for reasons which the House would readily understand—he bore considerable political attachment, and to whom he looked up as called upon to occupy the place unhappily vacated in the advocacy of those measures with which the country was endowed? On the model of that right hon. Gentleman's political principles, he (Sir R. Peel) would readily fashion his own sentiments; and happy he was to think that upon most subjects he could do so, though upon the present occasion, consistently with the feelings he entertained, he was forced to differ from him. It was precisely because he (Sir R. Peel) was an advocate of civil and religious liberty, which he held to be so inseparably united together, that you could not deface the one without disfiguring the other, that he gave his adhesion to legislation upon the so-called Papal aggression. Divested of the political influence which it involved, and considering it apart, if possible, from the question of spiritual jurisdiction which Rome had assumed by that act, there appeared to him no very serious cause of alarm in the simple abstract circumstance that the vanity of an individual priest had been satisfied—a priest, be it remembered, who had the meekness to promote his own elevation by the assurance that the political consequences resulting therefrom were superficial and transitory in their nature. He held that there was no great reason for alarm in the simple circumstance that Dr. Wiseman had been permitted, as by the stroke of a harlequin's wand, to shuffle off the sombre vestments of a bishop *in partibus,* for the gaudy trappings of a spiritual prince, and to assume the title of an imaginary see. After all, a Cardinal's hat and hose had not always been reserved for even such important functions, as from the present appointment one might be led to imagine. A Medici wore a Cardinal's hat in petticoats; and did not history point the finger of scorn at Julius III., who, with no great self-respect, it must be admitted, gave away the Cardinal's hat which he had vacated on his own nomination to the Pontifical chair, to the keeper of a menagerie of monkeys which it was his Papal pleasure to maintain. Pio Nono, it really seemed to him, although but so recently and so forcibly reseated in the affections of his people by a sudden, and certainly very extraordinary burst of religious zeal on the part of Republican France—and, by the way, it really seemed as if the Citizen President of the Republic were desirous of making some amends for the Emperor's misconduct, for where the latter was instrumental in establishing republics—as, for instance, the Ligurian, the Cisaplnie, and the Parthenopean—the former had destroyed the only one he could lay his hands upon; and where the uncle, without much display, carried off from Rome a Pope beloved by his people, the nephew, with a very great display, and with considerable expense, it would appear, since it required 30,000 men, carried back to Rome a Pope whose presence the Romans had made arrangements to dispense with—he was about to say that Pio Nono really seemed to him to aspire to the character in which Hildebrand (Gregory VII.) was represented in an old picture which he remembered seeing at Naples, with a crosier in one hand, and a whip in the other, trampling under foot the crowns of sovereigns, and with the nets and fishes of St. Peter by his side. This representation of the fiery monk of Cluny afforded no incorrect portraiture of the character which Pio Nono, with all his virtues and weaknesses, seemed desirous of enacting. But Papal history teemed with vagaries of this nature. Let the crimes, the bigotry, and the intolerance of the Papacy be for the more immediate appreciation of those who, now that the day-spring of liberty had been eclipsed in the blood of that great man under whose auspices it was just beginning to dawn over Central Italy, were by an arbitrary tyranny endeavouring to counteract further development, forgetful that a day of reckoning might not be far distant, and that, unless they profited by the lessons afforded to them, the temporal power of the Pope, in the balance of justice, might be found wanting. But let us be careful—

> "Lest from the bounded level of our mind,
> Short views we take, nor see the lengths behind;"

but so to regulate our appreciation of their recent invasion of the prerogative of the Crown of England, as not to limit our considerations to the immediate effects, but to the consequences likely to ensue. This was not the first time at which this country, with reference to the usurpation of authority to appoint archbishops in this realm, had had just cause to complain of Rome. So far back as the reign of King John, he found Innocent III. nominating an archbishop to the see of Canterbury, whose authority and jurisdiction John refused to recognise. The Pope consequently placed this country under an interdict, and prohibited the King's subjects from rendering the homage which was justly due to their Sovereign, and very generously gave this country to the King of France, whom, only a few years before, he had also excommunicated. Did not Leo X., in his infallibility, give to Henry VIII. the title of "Defender of the Faith," in consequence of a work which he wrote on the Seven Sacraments against Luther? yet, in a very few years after, this same title induced the Farnese Pope (Paul III.) to promulgate the bull *In Cœna Domini*, with a view of asserting the Pope's authority, and, at the same time, of excommunicating Henry of England. These ecclesiastical thunderbolts, in the hands of the madmen who, in the early and middle ages, usurped to themselves this authority, before the light of science and literature had dispelled the dark clouds of superstition, had a very powerful influence over men of ignorant minds. Then, again, in the recent case of Piedmont, in consequence of the Sicardi Laws, which had abolished certain ecclesiastical privileges, we had witnessed a mimick display of the terrors of the Roman Catholic Church at the deathbed of one who had been instrumental in their adoption, but which display had nearly proved fatal to the bigoted prelate under whose auspices it had been planned. Thank God, we had no serious ground for apprehension on this score in the present day. The people of this country, happy in the enjoyment of civil and religious liberty—proud of the person of their beloved Sovereign, who had endeared Herself to their affections by even firmer ties than those which might naturally have attached to Her high position—would laugh to scorn the impotent attempt of that miserable political impostor to estrange them from their duty. The right hon. Gentleman the Secretary of State for the Home Department, in the debate on the introduction of the Bill, said that, if the measure were adopted, he knew no reason for entertaining any apprehension that the loyalty of Her Majesty's Roman Catholic subjects would fail to induce them to obey the law; but he (Sir R. Peel) apprehended that there were many in that House who would be inclined to question, however painful it might be to do so, the accuracy of that statement, and be disposed to attribute it rather to a too-confiding spirit, which the loyalty of the right hon. Gentleman had given expression to, than to any substantive proofs he had to adduce in support of it. He regretted, however, that the noble Lord, in attempting to legislate for England, should have extended the enactments of the Bill to Ireland, the ecclesiastical condition of which, from the fact that three-fourths of the inhabitants were Roman Catholics, rendered it by no means synonimous with England. Indeed, he could have wished that, while establishing even severer restrictions against Papal aggression in England, they had left Ireland, at all events for the moment, altogether untouched. He apprehended it to be quite possible to make a distinction, in legislating upon these matters, between England and Ireland. They could not conceal from themselves the fact, that the Bill before the House, although shorn of its fair proportions, would produce, if it had not already excited, serious hostility and opposition in that part of Her Majesty's dominions. Experience had taught them how tenacious the Irish Roman Catholics were of their religion—and he found no fault with them on that score—and experience had also taught them how futile were all attempts to interfere, even in an indirect manner, with what they considered to be the free exercise of a religion which united a great majority of them in one common bond of profession of faith. Let the House, then, cease to direct their energies in this particular channel; or, if they must legislate, let them not be guided by what, perhaps, might be applicable to England, but which, as regarded Ireland, was altogether idle and unprofitable. The display of Protestant feeling recently exhibited in this country certainly afforded some security against successful aggression on the part of Rome; and, although it had been said that an attempt to get up an anti-Catholic demonstration in the north of England had failed, his belief was, that, whatever artifices the Roman Catholics might employ to excite a fictitious sympathy in their behalf on the present occasion, the Protestant people of England did not need the exertions of any individual to give vent to their unanimous disapproval of the conduct which Rome had recently adopted. In an address, signed by 40,000 Roman Catholics, recently presented to Her Majesty by three Roman Catholic Peers, he found the expression, that they were ready "to give to Cæsar the things that were Cæsar's, and to God the things that were God's;" but, remembering that this expression was susceptible of a Jesuitical interpretation, he did not consider it by any means satisfactory. Whether these Roman Catholics had in view the intentional concealment of their opinions by the hypocritical use of that expression, he knew not; but this he knew, that the expression had been used by Jesuits and Roman Catholics on occasions like the present. In the reign of Elizabeth, when Roman Catholics were summoned to declare whether they considered the Pontifical bull legal and obligatory, or were prepared to obey the laws of the realm, they meekly replied, that they desired to render unto Cæsar the things that were Cæsar's; which, in those days, at all events, was deemed a very unsatisfactory profession of loyalty. He was willing to believe in the loyalty of his Roman Catholic fellow-subjects; but when they stated that the authority lately established by the Pope was purely ecclesiastical, and contemplated no interference with Her Majesty's prerogative, power, or privilege, he begged to differ from them, and very much to doubt the loyalty of that assertion. But what had experience taught him personally in diplomatic relations with foreign Powers in a very critical juncture of affairs with respect to ecclesiastical differences? A passive observer, under the instructions of the noble Lord at the head of Foreign Affairs, whatever others might suppose to the contrary, and directed not to interfere, he had witnessed inactively, but not without emotion, the mighty struggle of liberty against despotism and intolerance — a struggle which, in a country containing little over 2,000,000 of inhabitants, had called forth the best efforts of an army of 90,000 men. That nation had been roused, not to unfold once again on the banner of victory the federal cross against foreign foes—not in another battle of Morgarten to crush the pride of Austria, or as against a Maximilian, with a view of enforcing the ratification of Swiss independence—not as against France in the 16th century, to win a Navara, or to plunder and lay waste the fertile plains of Burgundy, and besiege Dijon — but, under the influence of religious excitement and animosities, stirred up by artful Jesuits and Papal political emissaries, to wage a religious war against one another, and, in a fratricidal contest, to pour out the most gallant blood that ever warmed a patriot's heart on that soil, which, like an oasis in the desert, still affords a last retreat against the despotism of Europe—still preserves intact the hospitable abode of liberty. He admitted, indeed, it was with difficulty he could control his feelings, and maintain that rigid and impartial observance which the noble Lord at the head of the Foreign Department had absolutely imposed on him, when he witnessed the iniquity and intolerance with which Rome had fostered these dissensions, and, even after the capitulation of Friebourg, had been instrumental in inducing Lucerne to prolong a hopeless contest. The country had hardly yet recovered the consequences of that struggle, and the shock of contending parties. The horrors of war, the losses, misery, the ruinous expense it entailed, were only relieved by the greatest forbearance, and met by the greatest sacrifices, coupled with the entire forgetfulness of the past. And yet, if the Confederacy had not shown energy and decision in stemming that outbreak at once, he should like to know where would have now been the liberty, where the religious toleration, that at present that country enjoyed? And did not the circumstances of that war afford a striking lesson what dangers were to be apprehended from Rome from apparently insignificant causes—for they all knew the origin of the struggle in Switzerland—how step by step, if unchecked, they gradually attained a magnitude capable ultimately of convulsing an entire nation. Luther said that Rome was the seat of hypocrisy and intolerance; and certainly the antecedents of Papal history confirmed that opinion in the present day, and proved that there was in her policy a tendency the most dangerous to, and most subversive of, civil and religious liberty, and that however trivial the pretences of her aggressions might seem to be, they gradually tended to convulse entire nations. Cast your eye over the page of history. See what Spain once was, and what she is now. See what is Rome—what is Naples—what is Florence at the present day! Where with Roman Catholic intolerance is civil liberty? Recollect what Hildebrand, Gregory VII. said of Spain—" It were better she should belong to the Saracen than not render homage to the Sovereign Pontiff." Recollect that another Pope, Buoncompagno, (Gregory XIII.), revelling in his unholy orgies, celebrated to Almighty God public thanksgiving for the massacre of St. Bartholomew; and recollect that her policy still continues in the same spirit—that its course, unchanged, still flows through the same channels of intolerance. Recollect, above all, that this is the enemy we have to ward off, whose arrogance, whose hypocrisy, whose indifference to the consequences likely to ensue, provided only her own selfish ends are attained; or, failing that, provided she can succeed in throwing, as in Switzerland, the firebrand of religious discord, amidst this happy, this contented people, from which she would hope ultimately to derive some advantage—require all our zeal and attention to counteract. And, as I believe from my heart this recent aggression is but the first step of a premeditated and organised system of attack, undertaken with a view of enslaving the conscience, shackling the liberties, and shaking the allegiance of the people of England, I would intreat the noble Lord, as he respects and values that cause which he has so long, and advantageously to the country, advocated, to keep a watchful and a vigilant eye over the interests committed to his keeping as head of the Government of this great empire; and I intreat the House, by timely legislation, to prevent an abuse from taking root unheeded, the fruits of which will inevitably endanger the safety of the State.

Mr. TORRENS M'CULLAGH said,

it was impossible for one who entertained the sentiments which he did regarding the contemplated Bill—sentiments which he rejoiced to think were shared by some of the most distinguished and experienced Members of both Houses of the Legislature, and sentiments in whose eventual triumph he felt the most unshaken confidence—to have listened to the speech of the hon. Baronet who had just sat down without emotions which he would rather not express. With what feelings the Catholic Members of the House had heard that singular address, few could be at any loss to imagine. The only observation he would make with reference to the subject was this, that he believed his hon. Friends around him could well afford to forget the ungracious expressions of the hon. Baronet, for the sake of the name he bore, and that in the debt of gratitude they acknowledged as due to the memory of the father, they would forgive what he was willing to believe the want of consideration and experience in the son. For his own part he had only one duty to discharge, and that was to speak as a Protestant Member of that House on the question. His noble Friend the Member for Arundel, who began the debate, had spoken as became an English Roman Catholic on the rights which he believed to be threatened with invasion. He (Mr. M'Cullagh) as an Irish Protestant protested against this Bill; and because he was sincerely attached to that great fundamental principle of Protestantism, liberty of judgment and worship, he intended to give the Bill his hearty and strenuous opposition: for he could not but regard its attempt to interfere with the discipline of the Catholic Church as a direct encroachment on the freedom of Catholic conscience. The right hon. the Secretary for the Home Department, in the speech he delivered on that night week, had told the House that the alterations he proposed to make in the Bill would obviate most of the objections that had been urged against it. If those objections had been really obviated he should rejoice, because he had no wish to see the excitement on this question continue; but he was prepared to contend, notwithstanding all that had been said, that the Bill was still essentially the same in principle, and that its effects would be substantially as persecuting as before the recent alterations. The Bill had originally consisted of four clauses, and now, as they were told, it contained only one; but in the preamble there was a recital from the Act of 1829 of the sole remaining fragment of exclusion then preserved. The four-decker had been cut down, but the tattered flag of intolerance still hung from the mast. It seemed to have been taken for granted by the hon. Baronet the Member for Oxford University, that the Irish Roman Catholic bishops were, in assuming territorial titles, offenders against the law; but he was prepared to show, from the records of all the superior courts of law and equity in Ireland—nay, even from those of ecclesiastical as well as temporal jurisdiction, that the settled and established practice of law since the change of legislative policy indicated by the terms of the Charitable Bequests Act, had been fully and unreservedly to recognise the validity of these titles. It seemed to be taken for granted that the Catholic hierarchy of Ireland, by the assumption of the titles of their sees, are offenders against an acknowledged enactment; and the right hon. Baronet (Sir G. Grey) commented the other night upon the fact that in their petition presented recently to the House, they had signed themselves without the appellation of their particular sees. It should, however, be considered that while in the performance of their episcopal duties as diocesans, or when coming, in their capacity of trustees for pious and charitable institutions, before the courts of law, they do not shrink from taking their titles, by which alone they can act in the episcopal character, they forbear to assume such titles when addressing that House, from being unwilling, doubtless, to provoke needless controversy, and to inflame still further the unhappy feelings of irritation which already were known to prevail. But what was the real state of the law? He would show, in a few words, the view taken of it by the judicature of the country. He held in his hand documents, the accuracy of which could be verified. The first was one in which it was stated that "the Most Reverend John M'Hale, the Roman Catholic Bishop of Tuam," sought for letters of administration to be granted to him from the Prerogative Court in Dublin; and here was the copy of a letter "granted by the Most Rev. John George Lord Archbishop of Armagh, and Primate of all Ireland, to the Most Rev. John M'Hale, Roman Catholic Archbishop of Tuam." So here was the title recognised by the first prelate of the Protestant Church in Ireland, notwithstanding which they were told that the assumption of such a title was an offence against the law, and ought to be punished as such. It might, perhaps, be said that the Protestant Primate acted in the Prerogative Court by deputy. True; but his deputy on the occasion was Dr. Keating, a Protestant, and a gentleman of great erudition, of long standing in his profession, and one who was most unlikely to commit any error in law. But that was not all. The Catholic Archbishop of Tuam, having become possessed of the estate and effects of the person regarding whom the letters of administration had been granted, found it necessary to commence certain proceedings in equity, and had to make an affidavit before Master Litton, the Master in Chancery—a gentleman who for many years was an hon. Member of this House, and was as attached as any one could be to Protestant principles. He held in his hand a copy of that affidavit. It is headed "The affidavit of John M'Hale, Roman Catholic Archbishop of Tuam," and was signed by him as "John, Archbishop of Tuam." An order was subsequently made, upon reading that affidavit, by the present Master of the Rolls in Ireland, the Right Hon. T. B. C. Smith, a gentleman who was at one time the Attorney General of the Government of the late Sir Robert Peel. In that order this learned Judge not only granted the application made on behalf of the Archbishop of Tuam, but awarded costs. The Barons of the Exchequer in Ireland had likewise issued writs of *scire facias* to Dr. M'Hale as the "Archbishop of Tuam." Well, it might be said that that most rev. person occupied a see or province which there did not belong to a Protestant prelate. To meet that objection he would take the case of Meath. In Meath there was a Protestant bishop as well as a Roman Catholic bishop. Certain lands and money in the public funds had been left by will to the latter. In that case the Most Rev. John Cantwell came before a Master in Chancery, who, in making his report, found him, as Roman Catholic Bishop of Meath, to be the sole person entitled to the estate and effects which he claimed, and declared in express terms that they should be held by him till his death or translation, and then to pass to his successors. But he would prove something still more remarkable, if the hon. Baronet would favour him with his attention. He held in his hand a document showing the result of a suit between the old and the new corporators of Drogheda, respecting the appointment of trustees, of which one half were to be Catholic, and the other Protestant. The old corporation was an exclusively Protestant body, and when superseded by the Irish Municipal Reform Act, the old trustees sought to retain exclusive control over certain charities. A Bill in Chancery was filed in 1845, and the question closely contested. The Roman Catholic bishop of the diocese was no party in any way to the suit; but when Master Henn, a man of great learning and eminence in his profession, was required to make a report, the first name which he placed in the list of trustees was that of the "The Most Rev. Dr. Crolly, Roman Catholic Archbishop, and Primate of all Ireland." And this report, he need hardly say, had not been set aside by the present Chancellor. Yet in the face of all these proofs, they were told that the Irish Catholic hierarchy were usurpers of titles which the Judges of the realm conceded to them—that they were pretenders in fact, and offenders in law. He must freely own that when he heard the statement of the Home Secretary of the modifications he proposed to make in Committee in the Bill, he was inclined to believe that some of the mischiefs it originally appeared likely to produce would be averted. But further consideration led him (Mr. M'Cullagh) to a different conclusion. It seemed to him that the second and third were little more than corollaries from the propositions laid down in the first, and in the preamble. He apprehended, therefore, that were the Bill to pass as proposed to be altered, the courts of law would be driven to draw these inferences regarding deeds and endowments which were now set forth in the sections they were told it was intended to omit. If this were so, the alterations were in reality no amendments at all. Under these impressions, and being very desirous to hear the opinions of those who were best qualified to say what the legal effect of the proposed changes would be, he had suggested that a case should be laid before counsel; and he had been only made aware within the last few hours of the result to which they had, after due deliberation, come. But he would venture to state that the opinion to which he adverted, and which he would read to the House, was one that might well stagger the resolution of any layman, if not the judgment of any lawyer, in the House, when called upon to defend his vote in favour of the altered Bill. He was sure the right hon. the Home Secretary would agree with him in saying that whatever Parliament might think fit to do in regard to the present subject of titles—what it did should be intelligible and plain. They might invent new offences, and render those offences punishable in a certain manner; but they could not with honour, decency, or justice, set any class of their fellow-subjects in a legal net; they could not pass a penal law of doubtful or equivocal or obscure interpretation. A case had been laid before Mr. Bethell, of the Chancery bar; and Mr. Bramwell and Mr. Surrage, of the common law bar. Two questions were asked:—

"ECCLESIASTICAL TITLES ASSUMPTION BILL—CASE FOR THE OPINION OF COUNSEL.—Counsel will please to consider the Ecclesiastical Titles Assumption Bill, of which a print, as proposed to be amended in Committee, is sent herewith, and to advise—'1. Whether, in case the second clause should be omitted, as proposed, a deed executed after the passing of the Act by or under the authority of any person, in or under any name, style, or title, which such person is by the recited Act or this Act prohibited from using, would nevertheless be void in law? 2. Whether, in case the third clause were omitted, an endowment by will or gift of any Roman Catholic archbishop, bishop, or dean, in the manner intended to be prohibited by said clause, would nevertheless be void in law?'

"1. We are of opinion that any such deed or writing would be void in law.

"2. By the 1st section any gifts, grants, or endowments for the benefit or support of the office of any Roman Catholic archbishop, bishop, or dean, by or under the name or style of his office, would become incapable of being claimed or demanded, because they became gifts to an office abolished in law, being forbidden to be assumed; and all powers and authorities annexed to any such office would become incapable of being exercised; for, in the case of grants, the grantee, and in the case of authorities, the donee thereof, has no longer any recognised legal character or existence. The first section, in fact, involves the second and third sections, which are declarations only of legal consequences resulting from the first; and it seems to us to be a mistake to suppose that by omitting the second and third sections the acts thereby proposed to be prohibited will remain good and legal, notwithstanding the first section.

"In illustration of our opinions:—Suppose a bequest to trustees, upon trust, to apply an annual sum for the better support of the Roman Catholic Archbishop of Tuam for the time being. The bequest would now be good, but it must be claimed by the archbishop *nomine* and *virtute officii*; which, after the passing of the first section of this Bill, could not be done, and the trust would become impossible and void.

"So, if powers and authorities (as for the selection of schoolmasters and appointment of trustees) were annexed to the office of any Roman Catholic bishop by a charitable endowment, such powers not being given to an individual, but made appurtenant to the office, would become incapable of being exercised. These are some of the most ordinary examples of what may be expected to be the results of the 1st section in Ireland.

(Signed) "RICHARD BETHELL.
"G. W. BRAMWELL.
"J. SURRAGE.

"Lincoln's-Inn, 14th March, 1851."

Now, he must say, that if there were any value at all in the opinion thus expressed, it was obvious that the altered Bill would go much further than the right hon. Gentleman (Sir G. Grey) told them Her Majesty's Government felt on mature consideration they would be justified in going. No wonder the people of Ireland had evinced no readiness to hail these changes as concessions. They did not understand them; but who did? Could any one be sure what he was doing in this matter? He trusted that so long as the evil principle of the Bill remained, no compromise of details would be agreed to; and that the representatives of Ireland, whatever obloquy or reproach they thus might incur would persevere unflinchingly in their opposition to the Bill.

MR. PAGE WOOD said, after the indulgence which he had met with on a former occasion, he would have been very loth to again trouble the House, had it not been that since he last had the opportunity of speaking to the subject, the Bill had not only been laid upon the table, but they had had the opinion of very eminent statesmen pronounced upon it, some of them holding very different views from those which he entertained. They had further heard, during the course of that evening's debate, from the hon. Member for Plymouth, one of the best and ablest speeches delivered on the subject, and one which he confessed appeared to him to require an answer. He believed that his hon. Friend had fallen, during the course of that able address, into many fallacies. But he believed there was one pre-eminent, which, being set aside, the rest would fall with it. His hon. Friend the Member for Plymouth began by laying down his definition of civil and religious liberty, and he said that it behoved the House to consider how far they had proceeded in the direction of establishing that liberty, and under what conditions they would restrain it. He (Mr. Page Wood) was sure that there was no Member on his side of the House who would not be prepared to maintain the principle of civil and religious liberty to the utmost verge of safety to the constitution. But he did believe in his conscience, that if they took those steps which had been advised, of remaining neuter on this question, of permitting any of Her Majesty's subjects to look to a foreign potentate as a source of jurisdiction, by virtue of which jurisdiction he was to govern whole counties of this empire, they were going back to a period of darkness, in which no civil liberty existed, and with which no civil liberty was compatible; and he could not help observing, that he believed the speech delivered by a noble Lord in another place, and the few words uttered by the right hon. Baronet the Member for Ripon, had done more to throw back the cause of civil and religious liberty in Europe than any event which had taken place within the last 300 years. The inhabitants of the kingdom of Sardinia, for example, must have read with pain that language, as emanating from this country, supposed to possess a greater share of civil and religious liberty than was enjoyed by any other. That declaration of sentiment must have given pain to a country now engaged in a desperate struggle for religious liberty—the same which we accomplished three centuries since — to a country which found itself in this position, that one of its Ministers was allowed to expire without the consolations of religion solely on the ground of having advocated a code of laws, of the justice of which there could be no dispute. He wished to avoid giving any offence to persons of a different religious persuasion — and he would argue the question merely as one of principle—but in Sardinia a Minister of State was allowed to expire without those solaces which the Church offers to her children, solely because he had advocated these three laws—1st, that all civil causes should be tried before civil tribunals; 2nd, that all ecclesiastics accused of crimes should be tried before civil tribunals; 3rd, that the right of asylum, so desperately abused wherever it prevailed, should be abolished. These were the only three laws he proposed; and while they were thus endeavouring to make their first steps to promote the enfranchisement of the laity, the attempt was met by refusing the last rites of the Church to the man who sanctioned them. Now, there were many men, high in station, high in character and ability, who thought that these things were trifling, and that the assumption of the Pope to introduce an authority here which we have long since happily exploded, amounted to nothing. But what did this Papal brief or bull propose to do? Why, Dr. Wiseman himself acknowledged it—to establish the canon law, the very law which the Siccardi laws were intended to abolish. And if these brave men heard English statesmen advocating that course, their hopes would be desperate indeed. In his opinion, religious liberty was the right which every man possesses of worshipping his Creator in the mode which he deems best; to select for his religious instructors those whom he wished to select; and to exercise his religion freely, so long as it did not outrage decency, or interfere with the security of the constitution: to have the free exercise of his religious opinions, with this only reserve—*Sic utere tuo ut alienum ne lædas:* whilst civil liberty, in relation to religious liberty, was this, that no man should be deprived of any civil liberty on account of any religious opinion whatever; and the hon. Member for Mayo was not prepared to go so far, for he well remembered his three votes against the admission of Baron Rothschild. The hon. and learned Member for Plymouth drew a parallel between the Roman Catholics and the Scotch Free Kirk establishment, but he kept back the real difficulty of the case — he admitted, indeed, that they acknowledged a foreign superior, and he said, "If that is your objection, you should have thought of it when you admitted the Roman Catholics to sit in Parliament; but the hon. and learned Gentleman forgot the policy of the ecclesiastics of the Court of Rome—he acquitted the laity of it entirely—but it was the universal policy of the former to mix up spiritual and temporal matters in such close conjunction that you could scarcely sever one from the other. Well, it was their intention to introduce the canon law, which would effectually answer this line of policy; and if any Roman Catholic gentleman contested the disposition of any property with the Church, of course he would fall under its denunciations, and the pains and penalties which it meted out. The Church of Rome claimed temporal jurisdiction, and the Council of Trent, for instance, lays it down that they ought to possess jurisdiction over the probate of wills; and, in truth, our own ecclesiastical courts were, in this respect, only a remnant of Romanism and the Papal system in this country, which he hoped soon to see abolished. But it was the ingenious policy of mixing temporal with spiritual matters which marked the whole policy of the Church of Rome. The very first portion of the canon laws involved their whole principle, *Constitutiones principum constitutionibus ecclesiasticis, non pre-eminent, sed obsequuntur,* which meant, in plain English, the laws of all countries must give way to the laws of the Pope. The same principle of the canon law was laid down in the Decretals of Gregory IX., where he compares the temporal and spiritual jurisdictions. He would read it in English:—

> "Moreover, you ought to know, that God has created two great luminaries in the firmament of heaven, the greater light to rule the day, the lesser light to rule the night: both great, but one greater. For the firmament of heaven, therefore, that is, of the Church universal, God has created two great luminaries, that is, God has instituted two dignities, which are the Pontifical authority and the Royal power. But that which rules the days, that is, spirituals, is the greater; but that which rules carnals is the lesser: so that as great difference as between the sun and the moon, as great difference may be known between Popes and Kings."
>
> "Præterea nosse debueras, quod fecit Deus duo magna luminaria in firmamento cœli, luminare majus ut præesset diei, et luminare minus ut præesset nocti; utrumque magnum, sed alterum majus. Ad firmamentum igitur cœli, hoc est, universalis Ecclesiæ fecit Deus duo magna luminaria, id est, duas instituit dignitates, quæ sunt Pontificalis auctoritas, et Regalis potestas. Sed illa quæ præest diebus, id est, spiritualibus, major est; quæ vero carnalibus, minor; ut quanta est inter solem et lunam; tanta inter Pontifices et Reges differentia cognoscatur."—*Decret. Greg.* IX., lib. i., tit. 33, c. 6.

Boniface VIII. says—

> "Uterque gladius est in potestate Ecclesiæ, spiritualis scilicet et materialis. Porro subesse Romano Pontifici omni creaturæ declaramus definimus et pronuntiamus omnino esse de necessitate salutis."

Cardinal Bellarmine explained this by saying, that the temporal power thus claimed was only *ad bonum spirituale,* which was a tolerably wide definition; but this book of Cardinal Bellarmine was so displeasing to Sextus V., that he put it on the list of prohibited books, for this explanation and reason alone. It was true, as the hon. and learned Gentleman stated, that Rome never changed, and he should look at this position with reference to the bull *In Cœna Domini.* That bull was ordered to be made known yearly, and to be published on the doors of the churches. Every sentence began, "We excommunicate and anathematize." The persons excommunicated were all persons, whether judges or persons in authority, who interfered with archbishops or bishops, or any of their servants or messengers; everybody who appealed from the decrees, sentence, and orders of the Church, *ad Cancellarium,* was by this bull excommunicated and anathematized. So that an appeal *ad Cancellarium,* if the canon law were introduced, would bring every person who might institute such an appeal to the Court of Chancery under the anathemas of this bull. It also provided that all those who came under its censures should be incapable to receive absolution from any but the Pope himself, except upon their deathbeds, and then only from some high spiritual authority expressly deputed by him. Neither the Church of Scotland nor the Church of England thus claimed a direct jurisdiction over temporal affairs, and this was a great and main distinction. But they must look to higher considerations of the Papal policy. They all knew that attempts had been made of old to depose sovereigns. They would find that it was an indisputable axiom of the canon law, that the Pope had a right to depose heretical sovereigns — to absolve from their oaths of allegiance the subjects, and even the soldiers, of a heretical sovereign. They might tell him that these things were defunct—his reply was, that the Papal hierarchy had been defunct for 300 years, and yet they found it now rising up again. He said they must recollect they were living at a time when the Pope had, as of old, European armies devoted to his service; and who could tell that they might not live to see him affirm the right once more of deposing heretical sovereigns, and absolving their subjects and soldiers from their allegiance. Would honourable Gentlemen cry, "Oh, oh?" Why, that was admitted by his hon. and learned Friend the Member for Plymouth. He said the time might come—he admitted that Rome never changed—he said the time might come when Rome would claim the exercise of the same powers she had done before, and that we might live to see the threatened approach of another Spanish Armada. And he said, that in such a case he would be ready to interfere. Those were the words of his hon. and learned Friend. Well, now his notion was, that it was better to check the interference of such a Power at once, than to allow it to go to those lengths. This world was a world of change: sometimes it appeared to move as in a circle, and hence it was that they now witnessed the Austrian Government, which for hundreds of years had never dreamt of permitting the Pope to exercise authority in the empire without an *exequatur*, giving way upon that subject; and Rome might yet find a way of exercising in this country a power so largely and so broadly claimed. But his hon. and learned Friend had not dealt with those points on which the question had been argued by all previous speakers. He had only considered the possible question of foreign interference and foreign jurisdiction; and he said you ought to have considered all these points when you granted emancipation to the Roman Catholics. Now, in the first place, he would say that point was considered. He was not speaking now in terms of approbation of the way in which the question was dealt with; but in point of fact it was considered, and an oath was exacted from Roman Catholic Members taking their seats in this House, that they would not attempt in any way to disturb the settlement of the Church of England as by law established. There was another point, the precedent of which was followed in this Bill—a clause was introduced preventing parties from assuming the titles of the Protestant sees in this country, which had nevertheless been invaded. He must say he did not set much value on the protection of the oath. He had doubts as to its constitutional expediency. He doubted how far it was right that Members of this House should be fettered in any course they might think fit to take on matters that came before them for discussion. But these restrictions were enough to show that the principle of the Emancipation Act was not unlimited license. He would say farther, that, in the Emancipation Bill it was not necessary to consider more than this—" You, the Roman Catholic laity, have shown, for at least the last hundred and fifty years, that you are loyal subjects to the Crown, that you agree to submit to the laws of the country, that you in no manner attempt to evade or to impede those laws, and therefore we think it right that you should be admitted to all the civil privileges of the subjects of this realm." But were they therefore bound to go farther, and to give the clergy rights which they did not in law possess, and not only that, but waiving, as his hon. Friend the Member for Plymouth seemed inclined to do, and as had very generally been done in this House—waiving the very existence of such an institution as the Established Church — would they give those ecclesiastics the right which they claimed, of being the only Church of England, with power, as had been said, to displace Canterbury, and to set London aside, and to set up Westminster and the new bishoprics in their stead? Was such a right necessary to be conceded to them? Would the hon. Member for Plymouth tell them that that was a necessary consequence of the Emancipation Act? His hon. and learned Friend argued, that if we gave the Roman Catholic Church spiritual privileges, we gave her the right to develop herself to the fullest extent, and that this act was only her 'natural development.' But how far in that direction was his learned Friend prepared to go? The 'natural development' went much further than that—it went to the unrestricted exercise of the canon law—to the right of excommunicating every person who interfered with ecclesiastical authority. [" No, no!"] He said, Yes, yes. Let them see what was going on in Sardinia. Look to those countries where the Roman Catholic religion was in its full exercise. It was idle to tell them what it was here. No thanks to Cardinal Wiseman for declaring that he would not take the property of our bishops; because he could not. But let them look to those countries where the Roman Catholics had power, and see what was done there, and he said they would find that the 'natural development' of the Romish Church was excommunication and the refusal of the sacrament to any man who attempted to interfere with the authority of the ecclesiastics. [" No, no!"] Hon. Gentleman said, " No, no." Let them look to the development of the Church in the case of the Siccardi laws in Sardinia, which had issued in the excommunication of the Minister who supported them. He said, therefore, that was the 'natural development' of the Church of Rome. Let his learned Friend look to that—let him consider the inextricable connexion that there was between spiritual and temporal things in the canon law, and then let him say if there was no cause of apprehension in that, and in the 'natural development' of the Roman Catholic Church. He (Mr. Wood) would say, let them stop this aggression at the first stage, if they valued the blessings of civil and religious liberty, and the peace and happiness of the country: for they might depend upon it if the Pope was allowed to proceed step by step in this course—he had no more dread of the ultimate prevalence of the Roman Catholic religion in this country than his learned Friend had—but he said there would be a fierce and an angry contest before it could be put a stop to, and he would rather stop it now, when it could be done with comparative ease. His hon. and learned Friend next said, that the hon. Baronet the Member for Marylebone had evinced a fierce and persecuting spirit, because he said, even if he had been a Roman Catholic, he would have opposed the Papal rescript. His learned Friend said, You have no right to judge of the Roman Catholics: they are the best judges of what they ought to do under the circumstances. The hon. Baronet's argument was founded upon this—he said, Look to what Roman Catholic countries are doing, and in no country will you find that such acts as these are permitted. If they are the best judges, then see what they have decided. His hon. and learned Friend said, that Belgium was an exception: it was a new exception if it were one at all. He thought he had heard a hint from the legal adviser of Cardinal Wiseman that it was so; but if it were a fact, he could only wish his hon. and learned Friend joy of the exception of Belgium, which was the most ultra-Catholic country in Europe, and which it appeared had now followed the steps of Austria. But it was the same with England before the Reformation. Their ancestors at no time had ever permitted such an act as this. The statutes of *præmunire* declared, that by the common law of England the Pope had no right to interfere in the nomination and translation of bishops, and that it was against the King's Crown and regality to do so. He found even that the Roman Catholic historian, Lingard, in his history of the Anglo-Saxon commonwealth, stated, that in Anglo-Saxon times bishops were appointed by their metropolitan, with consent of the King and the witan. He, therefore, understood the argument of the hon. Baronet the Member for Marylebone to be this: all Roman Catholic countries protest against the exercise of this power—why should not this country? Was that to be called a persecuting spirit? Why, they found the head of the house of Howard protesting, in the spirit of their Roman Catholic ancestors, that he, for his part, would hold undivided allegiance, and that if the canon law were introduced, he knew what the consequence would be—he would be excommunicated, anathematised—in plain English, cursed—if he interfered with the ecclesiastical authority. Now, did his hon. and learned Friend deal with this question? He said, what is the use of telling us of foreign authorities? He said that, with the exception of Russia—and that he wished us joy of Russia—every State that had been alluded to recognised the Romish religion, and on that account the State interfered. Could the hon. and learned Member for Plymouth conceive that there was any logical coherence in his proposition, which amounted to this: that although in countries where the Roman Catholic religion was the religion of the State, and where all parties were united in the same feelings and principles, it was found necessary to watch the proceedings of the ecclesiastical power; yet in countries where the Roman Catholic religion was not the religion of the State—where, therefore, they might suppose the spiritual head of that Church might be in direct opposition to the Sovereign—that in such a country there was no necessity for watching the ecclesiastical power? Now, was there anything logical in that? It was, to be sure, the argument with which the hon. and learned Member for Sheffield began these discussions; but he put it to that hon. and learned Gentleman, whether it was to be supposed, that if in the countries where ecclesiastics were best known, the laity could not trust them—whether it was to be supposed that in countries where they were not known, they were to be more entitled to trust? He would now call attention to the report which had been lately reprinted of the Committee that sat in 1816, because he found an opinion in that report of a Roman Catholic jurist, Van Espen, who spoke of the *placet* as a power which every Sovereign had a right to exercise before allowing a bull to be introduced into his dominions; and the heading of his first chapter was that this right was inseparably connected with the sovereignty, and that no prince could renounce it. What the Emperor of Austria would think of this opinion of a jurist of his own faith, he did not know; but the jurist went on to give his reasons for this opinion, which he stated to be that it was the duty of every sovereign to protect his subjects, to watch over the tranquillity of the State, and to preserve their longstanding rights and privileges. Was it not, then, the duty—he would say it with respect—of Her Majesty—at all events, was it not the duty of Her Majesty's Government, to watch the proceedings of the Pope, in order to protect Her subjects, to watch over the tranquillity of the State, and to preserve their long-standing rights and privileges? He would ask hon. Members whether the tranquillity of the State would be preserved if they allowed these rescripts to be promulgated here? He believed it would be impossible to preserve tranquillity under such circumstances. They might talk as they would of the fanatical spirit of the people; but they might depend upon this, that there was at the bottom of all this feeling against Rome the old Saxon spirit, which required that bishops should only be nominated in the country, with the consent of the King and the witan. That true English feeling actuated the Barons to pass the 16th of Richard II. It was the same strong feeling of independence which led our Barons to pass the statute of the 16th of Richard II., which occasioned the Reformation under Henry VIII., which precipitated James II. from the throne, and which allowed the present Sovereign to hold Her Throne only so long as She bowed not to that policy—that execrable mixture of temporal and spiritual jurisdiction which, he believed, was as injurious to religion as it was to civil freedom. In the next chapter to the one he had quoted, Van Espen told them that it was the duty of the Attorney General to watch over the preservation of the right of the *placet*. The Attorney General there might not mean the same as it did here; but it meant that it was the duty of all law officers, or any party advising any Government, to take care that this right was strictly and narrowly guarded. There then was an end to the argument of his hon. and learned Friend as to the natural development of the Papal system. And his learned Friend said that ought to have been considered at the time of the Emancipation Act. He answered it was considered at that time; they said they would trust their fellow-subjects with all rights which they ought to exercise; if they went beyond that, then was the time to interfere; not to stop religious liberty, not to stay their Roman Catholic fellow-subjects sitting in that House, because the restitution of those rights and privileges might, if abused, call upon the House, at some future period, to stop the usurpation of rights and privileges, and prevent the disturbance of the tranquillity of our country. He came next to another point, upon which his hon. and learned Friend had treated with some contempt the Member for Marylebone—with reference to vicars-apostolic. He said that the hon. Baronet found the vicars-apostolic an admirable government—he had no objection to them; but that his anger was excited by this great change in the diocesan government; and then his learned Friend the Member for Plymouth said, with unusual self-complacency, if the hon. Member for Marylebone had studied and read as much as he had, he would have seen that there was literally no change—the only difference was in name, there was not the slightest difference in reality. He (Mr. Wood) was not astonished that his hon. and learned Friend (Mr. R. Palmer) should omit points which made against him, but he was astonished that he should have stated points so as to misrepresent them. He accused him of no intentional misrepresentation; but it was the most complete misrepresentation that he had ever heard made in that House—to say that the change from vicars-apostolic to a diocesan government was nothing but a change of name. On another occasion he (Mr. Wood) had called attention to the bull of Pope Gregory XVI., which regarded those acting as vicars-apostolic as mere missionaries to the Roman Catholics. There was no pretence for saying the Church of Rome existed in the kingdom—she ceased to do so 300 years ago, and from that moment her ecclesiastics became mere missionaries exercising only a small fragment of power. Of course he was speaking now of England, not of Ireland. Talking of these bulls, they were mere rescripts, and if they read those rescripts they would find every one, up to the present, spoke of the Church of Rome in that spirit—in her missionary character—of persons willingly subject to the missionary exercise of power; she did not attempt to set up a rival synod, or attempt to claim, in the slightest degree, jurisdiction over territorial sees. His hon. and learned Friend knew full well that our own Government had adhered most rigidly to that distinction. When the Crown appointed bishops in foreign parts under its own jurisdiction, as for instance the Bishop of Gibraltar, he was called the Bishop of Gibraltar, because territory was assigned him as his diocese, which was part of the Queen's dominions; but when the Government appointed a bishop in Jerusalem, he was not styled Bishop of Jerusalem, for, territorially, he had no power, but was only appointed to preside over such English or British subjects and foreign Protestants as should be willing to subject themselves to him within a given district. The distinction was, then, plain and broad and clear. The Pope, by his bull, established a province in Westminster, and different dioceses throughout the country, assigning local and territorial jurisdiction. The Pope, as the "source of all jurisdiction," for so Cardinal Wiseman expressly designates him in his pastoral letter, claimed to give Middlesex, Sussex, and such places. Was not that a distinct assertion that he claimed to give jurisdiction not merely over the Roman Catholics living within the district, but over every one? He (Mr. Wood) knew he should be told that the Pope could only give jurisdiction over those who would submit to his power. Of course he knew that; but no thanks to the Pope for that. The question was, had he not asserted that power when he said he gave this whole county and a whole district to the care of one of his bishops? Often had Cardinal Wiseman been challenged on that point, and had never denied it. He had turned round with every species of phraseology, but he defied any one to point out in any document issued by Cardinal Wiseman, in which the right was not claimed in the largest sense over all baptised persons. Then it would be said that the Bill would be directed against names after all; and if not bishops, what names would they have? His answer was, that there had been no difficulty with vicars-apostolic, and they had gone on for three hundred years without any other bishops. What necessity was there for an alteration now? He had listened in vain to hear a single Gentleman get up and say that the Roman Catholics had suffered a single spiritual grievance from Cardinal Wiseman being Bishop of Melipotamus, instead of Archbishop of Westminster. Although he had heard five speeches from the hon. Member for Dublin, he had not heard him allege that he had suffered a single spiritual inconvenience. His hon. and learned Friend had said, the primitive bishops were bishops of places, as Ignatius of Antioch: he begged to remind him that the primitive designation of bishops was that of bishop of the church in such a place. Under all these circumstances, were they prepared to take upon themselves to say that the people of England would be justified in allowing the step to be taken, the assertion to be made of a mixed ecclesiastical and temporal right? And when he heard his hon. and learned Friend say that he thought it almost scandalous that the House should be occupied in discussing this trumpery Bill, when they ought to be proceeding with the financial measures of the country, he confessed he was of an entirely different opinion. He regarded it not in the light of a trifling and trumpery matter. He regarded the Bill as the assertion of the illegality of this act; and although he would not contend that it was framed in language so strong and precise as he should wished to have seen it, yet the illegality was denounced, and in denouncing it would establish, and not be in derogation of, civil and religious liberty. His hon. and learned Friend had said he had no fear for the Church of England: she had her endowments and everything to prosper her course. He too (Mr. Wood) had no fear for the Church of England; it was not that which made him earnest in the case. What he trembled for was the civil liberty of England. He trembled for her liberties. For the arrogant proclamation he cared not. The Pope had a peculiar vision like that of the Emperor of China; he might shut his eyes to everything but Ireland in the British empire; to everything but a small band of Poles in the Russian empire; to everything in the vast Continent of America, but a few small States in the southern hemisphere: he might shut out the existence of everything or everybody; let him rejoice and exult (though he, for one, thought his rescript might have been written in a wiser spirit); as a mere insult, we would pass that by, we would have nothing to do with it, and would not regard it with a deep or serious reflection. But were the Parliament of England prepared to pass by the assertion of rights once usurped with success, and now attempted to be revived? Were they prepared to say that trade, or finance, or any other subject, was of equal value or importance with the assertion of the rights and privileges of the people of England, handed down to them from the earliest period of their history, from the Saxon times to the present; the rights, on the one hand, of all persons to the fullest spiritual freedom, but at the same time, and as a consequence, the right of each individual to assert his liberty against ecclesiastical encroachment, declaring that they would never suffer any Pope or Power to interfere in any temporal matters between them and the Government of the country; that in all causes, ecclesiastical and temporal, they owed allegiance to the Sovereign, and no one else; and that if the Pope endeavoured to introduce here that canon law which had been so fruitful of mischief abroad, he would find the same determined spirit in the people of England as at the time of the Reformation to disclaim all attacks on the temporal liberties of the laity by any ecclesiastical power?

Debate adjourned till Monday next.

The House adjourned at One o'clock till Monday next.

INDEX.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXIV.

BEING THE FIRST VOLUME OF SESSION 1851.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution. —*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.— *l.*, Lords. — *c.*, Commons — *m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.— *p. q.*, Previous Question.— *r. p.*, Report Progress.—*A.*, Ayes.— *N.*, Noes.—*M.*, Majority.— 1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of
  Ministerial Crisis—Explanation, 999, 1022
  Papal Aggression—Ecclesiastical Titles, 1072

Aberdeen, Public Records Bill,
  c. 1R.* 873

ABINGER, Lord
  Papal Aggression—Ecclesiastical Titles, 365, 370

ADDERLEY, Mr. C. B., *Staffordshire, N.*
  Cape of Good Hope, 370 ;—Kaffir War, 1173
  Passengers Act Amendment, Com. 872

Address in Answer to the Speech,
  l. 5 ; Her Majesty's Reply, 179
  c. 52 ; Report, 149 ; Her Majesty's Reply, 184

Addresses to Her Majesty,
  c. Motion (Lord J. Russell), 161 ; Motion withdrawn, 170

Administration of Criminal Justice Improvement Bill,
  l. 1R. 502 ; 2R.* 873

Agricultural Distress,
  l. Petition (Earl of Hardwicke), 772
  c. Motion (Mr. Disraeli), 374 ; Adj. Debate, 509, [A. 267, N. 281, M. 14] 604

Agriculture, Statistics of,
  c. Question (Mr. G. Sandars), 816

ALCOCK, Mr. T., *Surrey, E.*
  Budget, The—Ways and Means, 751

ANSTEY, Mr. T. C., *Youghal*
  Address in Answer to the Speech, 90
  Black Water, Fishery of the, 137
  Budget, The—Ways and Means, 765
  Ecclesiastical Titles Assumption, Leave, 361, 476
  Jesuits, Address moved, 608, 610, 611, 613
  Late Sittings, 148
  Passengers Act Amendment, Com. 872
  Roman Catholic Relief, Leave, 362

Apprentices' and Servants' Bill,
  c. 1R.* 276 ;
    2R. 1297

ARCHDALL, Capt. M. E., *Fermanagh*
  Orange Addresses, 1180, 1182

ARGYLL, Duke of,
  Papal Aggression—Ecclesiastical Titles, 1066, 1074

Arsenic, Sale of, Regulation Bill,
  l. 1R.* 1163 ;
    2R. 1300 ;
    Com. 1305

ARUNDEL AND SURREY, Earl of, *Arundel*
  Address in Answer to the Speech, 98
  Ecclesiastical Titles Assumption, 2R. Amend. 1324

Ashley, Lord, *Bath*
Business of the House, 1319
*Ecclesiastical Titles Assumption, Leave, 300

Assurances, Registration of, Bill,
l. 1R.* 873

Attorney General, The (Sir John Romilly), *Devonport*
Dungarvan, New Writ for, 135, 136
Ecclesiastical Titles Assumption, Leave, 291
Jesuits, Address moved, 611, 612
Vice-Chancellor, Appointment of a, 2R. 1162

Audit of Railway Account Bill,
c. 1R.* 1166

Baillie, Mr. H. J., *Inverness-shire*
Ceylon Committee, Evidence before, 371, 372, 1182

Baines, Rt. Hon. M. T., *Hull*
Apprentices and Servants, 2R. 1296
Barham Workhouse, Riot in, 505, 506, 507, 873

Bankes, Mr. G., *Dorsetshire*
Address in Answer to the Speech, 110
Barham Workhouse, Riot in, 504, 506, 507, 873
Budget, The—Ways and Means, 758
Ecclesiastical Titles Assumption, 2R. 1141, 1147
Kaffir War—Cape of Good Hope, 1176
Ministerial Crisis—Explanation, 1063
Vagrancy, 874

Bankruptcy Law, Administration of,
l. Returns moved for (Lord Brougham), 265

Barham Workhouse, Riot in,
c. Question (Mr. Bankes), 504, 873

Baring, Rt. Hon. Sir F. T., *Portsmouth*
Blackwater, Fishery of the, 137
Navy Estimates, 1185, 1226, 1227, 1232, 1233

Baring, Mr. T., *Huntingdon*
San Salvador, Blockade of, 277

Barnard, Mr. E. G., *Greenwich*
Business of the House — The Count Out, 1322

Barron, Sir H. W., *Waterford, City*
Ecclesiastical Titles Assumption, 2R. 1345

Beaumont, Lord
County Courts Further Extension, 1R. 1115

Bennet, Captain P., *Suffolk, W.*
Address in Answer to the Speech, 153

Bentinck, Lord H. W. S., *Nottinghamshire, N.*
Agricultural Distress, 525

Berkeley, Hon. G. C. G., *Gloucestershire, W.*
Address in Answer to the Speech, 107
Agricultural Distress, 440
Coffee, Adulteration of, 137, 138
Ley, John Henry, Res. 142
New Forest, The, 137

Berkeley, Rear-Admiral M. F. F., *Gloucester*
Navy Estimates, 1221 1235, 1236, 1237

Bernal, Mr. R., *Rochester*
Navy Estimates, 1202

Bernard, Viscount, *Bandon Bridge*
Addresses to Her Majesty, 168

Bishops, Scotch—Ecclesiastical Titles,
c. Observations (Sir G. Grey), 1315

Blackwater, Fishery of the,
c. Question (Mr. C. Anstey), 137

Booker, Mr. T. W., *Herefordshire*
Agricultural Distress, 537
Copper Miners in England Company, 2R. 1120

Breadalbane, Marquess of
Papal Aggression—Ecclesiastical Titles, 1071

Bright, Mr. J., *Manchester*
Ecclesiastical Titles Assumption, Leave, 242

Brotherton, Mr. J., *Salford*
Caledonian Railway, 2R. 1312
Copper Miners in England Company, 2R. 1120
Ecclesiastical Titles Assumption, Leave, 697
Late Sittings, 146
Prosecutions, Expenses of, 2R. 1293

Brougham, Lord
Bankruptcy Law, Administration of, Returns moved for, 265
Census, The—Population Act, 1309
Chancery, Court of, 835, 840
County Courts Extension, 1R. 170, 177, 179
County Courts Further Extension, 1R. 1100, 1118
Criminal Justice Improvement, 1R. 503
Income Tax, Res. 1098
Marriages, 2R. 926, 981
Nicholls, Mr., Secretary to the Poor Law Board, 160
Papal Aggression—Ecclesiastical Titles, 369, 1070, 1072
Shaftesbury, Earl of, Address moved, 268

Brown, Mr. W., *Lancashire, S.*
Agricultural Distress, 448
Budget, The—Ways and Means, 761

Bruce, Mr. C. L. C., *Elgin and Nairneshire*
Ecclesiastical Titles Assumption, Leave, 688

Buck, Mr. L. W., *Devonshire, N.*
Smithfield Market Removal, Leave, 833

Budget The—Ways and Means,
c. 703, 887, 892

Business, Private—Counsel to the Speaker,
c. Comm. moved for (Mr. W. Patten), 185

Business, Public—Sessional Orders,
c. Motion (Mr. Hume), 144, [A. 47, N. 116, M. 69], 146;
Observations (Lord J. Russell), 1122;
Question (Mr. Plumptre), 1318

Buxton, Sir E. N., *Essex, S.*
Agricultural Distress, 449

Caledonian Railway Bill,
c. 1R.* 626;
2R. 1312; Amend. (Sir R. H. Inglis), 1313; Amend. Adj. (Mr. B. Denison), 1315; Motion withdrawn, *ib.* [*o. q.* A. 214, N. 67, M. 147] *ib.*

Camoys, Lord
Address in Answer to the Speech, 35

Campbell, Lord
Arsenic, Sale of, Regulation, Com. 1305
Criminal Justice Improvement, 1R. 502
Marriages, 2R. 931, 943, 970, 973
Ministerial Crisis—Explanation, 889
Nicholls, Mr., Secretary to the Poor Law Board, 161
Offences Prevention, 2R. 1310

Canterbury, Archbishop of
Marriages, 2R. Amend. 920
Ministerial Crisis—Explanation, 889

Cape of Good Hope,
l. Petitions (Lord Wodehouse), 156;—*Kaffir War*, Address moved (Lord Monteagle), 1093; Motion withdrawn, 1098
c. Question (Mr. Adderley), 370;—*The Kaffir War*, Question (Sir De. L. Evans), 1121; Observations (Lord J. Russell), 1167

Cardwell, Mr. C., *Liverpool*
Agricultural Distress, 558
Caledonian Railway, 2R. 1315
Navy Estimates, 1220
Steamboats, Overcrowding of—Irish Paupers, 1177

Carlisle, Earl of
Arsenic, Sale of, Regulation, 2R. 1300.
Marriages, 2R. 926.
Nicholls, Mr., Secretary to the Poor Law Board, 161

Cayley, Mr. E. S., *Yorkshire, N. R.*
Agricultural Distress, 550, 564.

Census—The Population Act,
l. Address moved (Lord Stanley), 1305; Motion withdrawn, 1310
c. Question (Rt. Hon. H. Goulburn), 1316

Ceylon Committee, Evidence before the,
c. Question (Mr. Baillie), 371; (Mr. F. French), 626; (Mr. Hume), 1182.

Chancellor, The Lord (The Rt. Hon. Lord Truro)
Chancery, Court of, 836, 840
County Courts Extension, 1R. 176
County Courts Further Extension, 1R. 1118

Chancellor of the Exchequer (Rt. Hon. Sir C. Wood), *Halifax*
Agricultural Distress, 414, 439
Budget, The—Ways and Means, 703, 738, 742, 743, 754, 766, 768
Business of the House—The Count Out, 1321
Cape of Good Hope—Kaffir War, 1176
Coffee, Adulteration of, 137
Places and Appointments, Returns moved for, 1085
Sessional Orders—Money Votes, 145
Supply—Exchequer Bills, 450

Chancery, Court of,
l. Question (Lord Brougham), 835
c. Question (Mr. J. Stuart), 507

Chancery, Court of (Ireland), Regulation Act Amendment Bill,
l. 1R.* 835

Channel Oyster Fishery,
l. Question (Earl of Wicklow), 1302

Churches and Chapels (Ireland) Bill,
c. 1R.* 892

Civil Bills, &c. (Ireland) Bill,
c. Leave 871; 1R.* 872

Clanricarde, Marquess of
Post Office—Money Order Department, 272

Clay, Sir W., *Tower Hamlets*
Compound Householders, 2R. 820, 821, 824

Cobden, Mr. R., *Yorkshire, W. R.*
Agricultural Distress, 573
County Franchise, Leave, 865
Navy Estimates, 1207, 1230, 1237, 1238

Cochrane, Mr. A. B., *Bridport*
Agricultural Distress, 572
Steamboats, Overcrowding of—Irish Paupers, 1176

Coffee, Adulteration of,
c. Question (Mr. G. Berkeley), 137

Colchester, Lord
Passengers Act Amendment, 2R. 1165

Committees, Chairman of,
l. 47; *Appointment of Lord Redesdale*, 51

Commons, Attendance on the House of Lords,
c. Observations (Mr. Hume), 143

Commons Inclosure Bill,
c 1R.* 1119; 2R.* 1166; 3R.* 1312

Compound Householders Bill,
c. 1R.* 503;
2R. 820; Amend. (Mr. F. Mackenzie), 822; Amend. withdrawn, 825

CONOLLY, Mr. J., *Donegal*
Ecclesiastical Titles Assumption, Leave, 321

Copper Miners in England Company's Bill,
c. 1R.* 873 ; 2R. 1119 ; Amend. (Mr. Spooner), 1120, [*o. q.* A. 123. N. 66, M. 57] 1121

Count Out, The—Business of the House,
c. Observations (Mr. W. Williams), 1321

County Courts Extension Bill,
l. 1R. 170

County Courts Extension (No. 2) Bill
l. 1R.* 502

County Courts Further Extension Bill,
l. 1R. 1100

County Franchise,
c. Leave, 850, [A. 100, N. 52, M. 48] 869; 1R.* 1119

County Rates and Expenditure Bill,
c. 1R.* 276;
2R. 1267; Amend. (Sir J. Pakington), 1274; Amend. withdrawn, 1292

COWAN, Mr. C., *Edinburgh*
Budget, The—Ways and Means, 749

CRANWORTH, Lord
Chancery, Court of, 837
County Courts Extension, 1R. 178
County Courts Further Extension, 1R. 1116

CRAWFORD, Mr. W. S., *Rochdale*
Navy Estimates, 1222, 1231

CREMORNE, Lord
Address in Answer to the Speech, 14

Criminal Justice Improvement, Administration of,
l. 1R. 502; 2R.* 873

Danubian Provinces, The,
c. Question (Mr. Urquhart), 1317

DEEDES, Mr. W., *Kent, E.*
County Rates and Expenditure, 2R. 1289

DENISON, Mr. E. B., *Yorkshire, W.R.*
Caledonian Railway, 2R. Amend. Adj. 1315

DISRAELI, Mr. B., *Buckinghamshire*
Address in Answer to the Speech, 128
Addresses to Her Majesty, 170
Agricultural Distress, 374, 391, 449, 593
Ecclesiastical Titles Assumption, Leave, 256
Ministerial Crisis—Explanation, 895, 1040

Divisions, List of
Agricultural Distress, c. Motion (Mr. Disraeli), [A. 267, N. 281, M. 14] 604
County Franchise Bill, c. Leave, [A. 100, N. 52, M. 48] 869
Ecclesiastical Titles—Papal Aggression, c. Leave, [A. 395, N. 63, M. 332] 699

Divisions, List of—continued.
Marriages Bill, l. 2R. [Content, 16, Not-Content, 50, M. 34] 995
Navy Estimates, c. Amend. (Mr. Hume), [A. 61, N. 169, M. 108] 1224
Roman Catholic Relief, c. Leave, [A. 35, N. 175, M. 140] 363
Woods and Forests, c. Motion (Viscount Duncan), Amend. (Lord Seymour), [*o. q.* A. 120, N. 119, M. 1] 1266

DRUMMOND, Mr. H., *Surrey, W.*
County Rates and Expenditure, 2R. 1286
Ecclesiastical Titles Assumption, Leave, 223, 226, 321
Navy Estimates, 1231

DUKE, Sir J., *London*
Ecclesiastical Titles Assumption, Leave, 656
Steamboats, Overcrowding of—Irish Paupers, 1178

DUNCAN, Viscount, *Bath*
Budget, The—Ways and Means, 743
Window Tax—Rules for Petitions, 820—Explanation, 842
Woods and Forests, 1242, 1265

DUNCOMBE, Mr. T. S., *Finsbury*
Business of the House—The Count Out, 1328

Dungarvan, New Writ for,
c. Motion (Rt. Hon. W. Hayter), 134

DUNNE, Lieut.-Col. F. P., *Portarlington*
Agricultural Distress, 566

East India Company,
c. Question (Viscount Jocelyn), 276

EBRINGTON Viscount, *Plymouth*
Prosecutions, Expenses of, 2R. 1293, 1295

Ecclesiastical Preferment,
c. Question (Sir B. Hall), 1179

Ecclesiastical Residences (Ireland) Bill,
c. 1R.* 892

Ecclesiastical Sinecures,
c. Question (Sir B. Hall), 187

Ecclesiastical Titles Assumption—Papal Aggression,
l. Petition (Lord Abinger), 365; (Earl of Roden), 1065; (Earl Fitzwilliam), 1239

Ecclesiastical Titles Assumption Bill,
c. Leave, 187; Adj. Debate, 279;
Amend. Adj. (Mr. P. Howard), 360, [A. 59, N. 364, M. 305] 361, 451, 629, [A. 395, N. 63, M. 332] 699
1R.* 703
2R. 123, 1315, 1323; Amend. (Earl of Arundel), 1332

EFFINGHAM, Earl of
Address in Answer to the Speech, 5

EGERTON, Mr. W. T., *Cheshire, N.*
Prosecutions, Expenses of, 2R. 1295, 1296

ELLIS, Mr. J., *Leicester*
County Rates and Expenditure, 2R. 1286
Smithfield Market Removal, Leave, 834

EVANS, Major-Gen., Sir De Lacy, *Westminster*
Cape of Good Hope—Kaffir War, 1121
Copper Miners in England Company, 2R. 1120

Evidence Law of Amendment Bill,
l. 1R.* 1

EWART, Mr. W., *Dumfries*
Late Sittings, 147
Partnership, Law of, Comm. moved for, 848

Exchequer Bills—Supply,
c. 450

EXCHEQUER, CHANCELLOR OF THE, *see* CHANCELLOR OF THE EXCHEQUER

EXETER, Bishop of
*Marriages Bill, 2R. 924, 927, 929, 931

Exhibition of 1851—*Police Force,*
c. Question (Mr. Stanford), 278

FAGAN, Mr. W., *Cork City*
Address in Aswer to the Speech, 98
Ecclesiastical Titles Assumption, Leave, Amend. Adj. 502, 629 ; 2R. 1160
Valuation (Ireland), Leave, 772

Fee-Farm Rents (*Ireland*) *Bill,*
c. 1R.* 840

FITZROY, Hon. H., *Lewes*
Navy Estimates, 1228

FITZWILLIAM, Earl
Agricultural Distress, 811
Papal Aggression, 1239, 1241
Rome, Court of—Lord Minto's Mission, 155

FORTESCUE, Earl
Nicholls, Mr., Secretary to the Poor Law Board, 158

Franchise, County, Bill,
c. Leave, 850, [A. 100, N. 52, M. 48], 869

Franchise, Extension of the,
c. Question (Sir J. Walmsley), 373 ;—*Proposed House Tax,* Question (Sir B. Hall), 874

FRENCH, Mr. F., *Roscommon*
Budget, The—Ways and Means, 757
Ceylon, 626
Dungarvan, New Writ for, 135

FREWEN, Mr. C. H., *Sussex, E.*
Budget, The—Ways and Means, 748
Prosecutions, Expenses of, 2R. 1295

GAGE, Viscount,
Marriages, 2R. 961, 973

GIBSON, Rt. Hon. T. M., *Manchester*
Addresses to Her Majesty, 166
County Rates and Expenditure, 2R. 1267, 1270, 1271, 1290
Ecclesiastical Titles Assumption, Leave, 360, 675 ; 2R. 1140
Ministerial Crisis—Explanation, 1076
Navy Estimates, 1218

GLADSTONE, Rt. Hon. W. E., *Oxford University*
Caledonian Railway, 2R. 1313
Ecclesiastical Titles Assumption, 2R. 1144

GOULBURN, Rt. Hon. H., *Cambridge University*
Addresses to Her Majesty, 167
Census, The, 1316
Ley, John Henry, Res. 141

GRAHAM, Rt. Hon. Sir J. R. G., *Ripon*
Agricultural Distress, 516
Ministerial Crisis—Explanation, 1043

GRANBY, Marquess of, *Stamford*
Agricultural Distress, 449, 509
Ministerial Crisis—Explanation, 1083

GRANVILLE, Earl
Agricultural Distress, 785
Census, The—Population Act, 1308, 1310

GRATTAN, Mr. H., *Meath Co.*
Address in Answer to the Speech, 108
Ecclesiastical Titles Assumption, Leave, 312

GREENALL, Mr. G., *Warrington*
Agricultural Distress, 604

GREY, Earl
Cape of Good Hope, 157 ;—Kafir War, Address moved, 1095, 1097
New Brunswick and Canada projected Railway, 624, 626
Passengers Act Amendment, 2R. 1163, 1165 ; Com. 1301 ; Rep. *add. cl.* 1312
Transportation—Van Diemen's Land, 1089

GREY, Rt. Hon. Sir G., *Northumberland, N.*
Addresses to Her Majesty, 169
Bishops, Scotch—Ecclesiastical Titles, 1315
Census, The, 1316
County Rates and Expenditure, 2R. 1274, 1278
Ecclesiastical Preferments, 1179
Ecclesiastical Sinecures, 187
Ecclesiastical Titles Assumption, Leave, 344, 472 ; 2R. 1123
Exhibition of 1851—Police Force, 279
Interments Bill, 1242
Jesuits, Address moved, 610, 612
Late Sittings, 147
Ministerial Crisis—Explanation, 1084
Orange Addresses, 1181
Prosecutions, Expenses of, Leave, 825, 828 ; 2R. 1296
Roman Catholic Relief, Leave, 363

Grey, Rt. Hon. Sir G.—*continued.*
- Sessional Orders—Money Votes, 146
- Sewers, Metropolitan Commission of, 1178
- Smithfield Market Removal, Leave, 829, 834
- Vagrancy, 874
- Water Bills, Metropolis, Instruction, 840, 841

Grogan, Mr. E., *Dublin City*
- Jesuits, Address moved, 608, 613

Grosvenor, Rt. Hon. Lord R., *Middlesex*
- Compound Householders, 2R. 822

Hall, Sir B., *Marylebone*
- Budget, The—Ways and Means, 751
- Ecclesiastical Preferments, 1179
- Ecclesiastical Sinecures, 187
- Ecclesiastical Titles Assumption, 2R. 1343, 1345
- House Tax, The proposed—The Franchise, 874, 875
- St. Andrew's Church, Marylebone, 875
- Sewers, Metropolitan Commission of, 1178
- Woods and Forests, 1262

Hamilton, Lord C., *Tyrone*
- Ecclesiastical Titles Assumption, 2R. 1145

Hamilton, Mr. G. A., *Dublin University*
- Ecclesiastical Titles Assumption, Leave, 663

Hardwicke, Earl of
- Agricultural Distress, 772

Harris, Hon. Capt. E. A. J., *Christchurch*
- Budget, The—Ways and Means, 767

Harrowby, Earl of
- Census, The—Population Act, 1309
- Committees, Chairman of, 50
- Passengers Act Amendment, 2R. 1165

Hatchell, Rt. Hon. J., *Windsor*
- Civil Bills, &c. (Ireland), Leave, 871
- Law Courts (Ireland), 508

Hawes, Mr. B., *Kinsale*
- Cape of Good Hope, 371;—Kaffir War, 1122
- Ceylon Committee, Evidence before, 372, 626, 1182
- Passengers Act Amendment, 2R. 768, 770, 771; Com. 873

Hayter, Rt. Hon. W. G., *Wells*
- Business of the House—The Count Out, 1323
- Dungarvan, New Writ for, 134, 135

Henley, Mr. J. W., *Oxfordshire*
- Apprentices and Servants, 2R. 1299
- Budget, The—Ways and Means, 765
- Compound Householders, 2R. 824
- County Rates and Expenditure, 2R. 1291
- Navy Estimates, 1229, 1231, 1238
- Passengers Act Amendment, 2R. 770
- Prosecutions, Expenses of, Leave, 829: 2R. 1294

Herbert, Rt. Hon. S., *Wiltshire, S.*
- Navy Estimates, 1237
- Passengers Act Amendment, 2R. 769

Herries, Rt. Hon. J. C., *Stamford*
- Addresses to Her Majesty, 164
- Agricultural Distress, 521
- Budget, The—Ways and Means, 732, 887

Highways (South Wales) Bill,
- c. 1R.* 626, 2R.* 820

Hildyard, Mr. T. B., *Nottingham, S.*
- Budget, The—Ways and Means, 768

Hobhouse, Rt. Hon. Sir J. C., *Harwich*
- East India Company, 276

Hodges, Mr. T. L., *Kent, W.*
- Budget, The—Ways and Means, 747

Hodgson, Mr. W. N., *Carlisle*
- Agricultural Distress, 439

Hope, Mr. A. J. B., *Maidstone*
- Address in Answer to the Speech, 86
- Budget, The—Ways and Means, 764
- Ecclesiastical Titles Assumption, Leave, 483
- St. Andrew's Church, Marylebone, 881

Hops Bill,
- c. 1R.* 503

House Tax, The Proposed—The Franchise,
- c. Question (Sir B. Hall), 874

Howard, Mr. P. H., *Carlisle*
- County Franchise, Leave, 869
- Ecclesiastical Titles Assumption, Leave, Amend. Adj. 360, 451
- Ministerial Crisis—Explanation, 1058

Hume, Mr. J., *Montrose, &c.*
- Address in Answer to the Speech, 100; Report, 154
- Budget, The—Ways and Means, 739, 742, 743
- Cape of Good Hope—Kaffir War, 1169
- Ceylon, Affairs of, 1182
- Commons' Attendance in House of Lords, 143
- County Franchise, Leave, 864
- County Rates and Expenditure, 2R. 1281, 1290
- Ecclesiastical Titles Assumption, Leave, 489, 493
- Ley, John Henry, Res. 139
- Ministerial Crisis—Explanation, 1051
- Navy Estimates, Res. 1193; Amend. 1202, 1224, 1230, 1231, 1233, 1234, 1236, 1237, 1267
- Prosecutions, Expenses of, Leave, 827; 2R. 1295
- St. Andrew's Church, Marylebone, 883
- Sessional Orders—Money Votes, 144, 145
- South Staffordshire Railway Extension, 2R. 504
- Supply—Exchequer Bills, 450
- Woods and Forests, 1256, 1262

Hungarian Refugees,
- c. Question (Lord D. Stuart) 885; (Mr. Urquhart), 1317

Improvement of Towns (Ireland) Bill,
c. 1R.* 276; 2R.* 1166

Income Tax,
l. Res. (Lord Brougham), 1098

Incumbered Estates Leases (Ireland) Bill,
c. 1R.* 1166

India,
East India Company, c. Question (Viscount Jocelyn), 276

Inglis, Sir R. H., *Oxford University*
Address in Answer to the Speech, 79
Addresses to Her Majesty, 170
Business of the House, 1319
Caledonian Railway, 2R. Amend. 1312
Ecclesiastical Titles Assumption, Leave, 263; 2R. 1144, 1323, 1363
Jesuits, Address moved, 609
Ley, John Henry, Res. 138
Ministerial Crisis—Explanation, 1053
Roman Catholic Relief, Leave, 363
St. Andrew's Church, Marylebone, 884
Talbot, Miss, Case of, 1323

Interment Bill,
c. Question (Mr. Mowatt), 1241

Ireland,
Blackwater Water, Fishery of the, c. Question (Mr. C. Anstey), 137
Dungarvan, New Writ for, c. Motion (Rt. Hon. W. Hayter), 134
Law Courts, c. Question (Mr. T. MacCullagh), 508
Limerick Workhouse, c. Question (Mr. P. Scrope), 627
Lord Lieutenancy, The, l. Question (Marquess of Londonderry), 155
c. Question (Mr. Reynolds), 136
Orange Addresses, c. Question (Capt. Archdall), 1180
Paupers, Importation of — Overcrowding of Steam Boats, c. Question (Mr. B. Cochrane), 1176
Chancery, Court of, see *Chancery, Court of (Ireland) Act Amendment Bill*
Churches and Chapels, see *Churches and Chapels (Ireland) Bill*
Civil Bills, see *Civil Bills, &c. (Ireland) Bill*
Ecclesiastical Residences, see *Ecclesiastical Residences (Ireland) Bill*
Fee Farm Rents, see *Fee Farm Rents (Ireland) Bill*
Improvement of Towns, see *Improvement of Towns (Ireland) Bill*
Incumbered Estates, see *Incumbered Estates Leases (Ireland) Bill*
Mills and Factories, see *Mills and Factories (Ireland) Bill*
Prerogative Court, see *Prerogative Court (Ireland) Bill*
Salmon Brood, see *Salmon Brood (Ireland) Bill*
United Church, see *United Church of England and Ireland Bill*
Valuation, see *Valuation (Ireland) Bill*

Jesuits,
c. Address moved (Mr. Grogan), 608; Amend. Adj. [A. 10, N. 103, M. 93] 612; Motion withdrawn, 613

Jewish Disabilities,
c. Question (Mr. P. Wood), 161

Jocelyn, Viscount, *King's Lynn,*
Agricultural Distress, 570
East India Company, 276

Johnstone, Sir J. W. B., *Scarborough*
Prosecutions, Expenses of, 2R. 1295

Jolliffe, Sir W. G. H., *Petersfield*
Budget, The—Ways and Means, 752

Kaffir War—Cape of Good Hope,
l. Address moved (Lord Monteagle), 1093; Motion withdrawn, 1098
c. Question (Sir De L. Evans), 1121; Observations (Lord J. Russell), 1167

Keogh, Mr. W., *Athlone*
Ecclesiastical Titles Assumption, Leave, 360, 466, 472, 663
Jesuits, Address moved, 608, 610, 612
Ministerial Crisis—Explanation, 1076

Kildare, Marquess of, *Kildare Co.*
Address in Answer to the Speech, 52; Report, 149

King, Hon. P. J. L., *Surrey, E.*
County Franchise, Leave, 850

Labouchere, Rt. Hon. H., *Taunton*
Agricultural Distress, 542
Agriculture, Statistics of, 816
Business, Private — Counsel to the Speaker, Comm. moved for, 186
Caledonian Railway, 2R. 1314
Cape of Good Hope—Kaffir War 1172
Mercantile Marine Bill, 1167
Partnership, Law of, Comm. moved for, 848
South Staffordshire Railway Extension, 2R. 503, 504
Steamboats, Overcrowding of—Irish Paupers, 1177, 1178
Sugar Duties (Belgium), 629

Langdale, Lord
County Courts Further Extension, 1R. 1111
Vice-Chancellor, Appointment of a, 2R. 890

Lansdowne, Marquess of
Address in Answer to the Speech, 42
Channel Oyster Fishery, 1303
Committees, Chairman of, 47, 51
Lord Lieutenancy of Ireland, 155
Ministerial Crisis—Explanation, 887, 889, 996, 1026, 1029, 1064
Nicholls, Mr., Secretary to the Poor-Law Board, 159
Papal Aggression, 1241
Shaftesbury, Earl of, Address moved, 266

Lascelles, Rt. Hon. W. S. S., *Knaresborough*
Address in Answer to the Speech, Her Majesty's Reply, 184

Late Sittings,
c. Motion (Mr. Brotherton), 146, [A. 32, N. 108, M. 76] 149

Law Courts (Ireland),
c. Question (Mr. T. Mac Cullagh), 508

Lawless, Hon. J. C., *Clonmel*
Ecclesiastical Titles Assumption, Leave, 502
Late Sittings, 148

Lefevre, Rt. Hon. C. S., *see* Speaker, The

Ley, John Henry—late Clerk of the House,
c. Res. (Lord J. Russell), 138

Limerick Workhouse,
c. Question (Mr. P. Scrope), 627

London, Bishop of
Marriages, 2R. 978

Londonderry, Marquess of
Lord Lieutenancy of Ireland, 155

Lord Lieutenancy of Ireland,
l. Question (Marquess of Londonderry), 155
c. Question (Mr. Reynolds), 136

Mac Cullagh, Mr. W. T., *Dundalk*
Civil Bills, &c. (Ireland), Leave, 871
Ecclesiastical Titles Assumption, Leave, 337; 2R. 1383
Law Courts (Ireland), 508

Macgregor, Mr. J., *Glasgow*
Copper Miners in England, Company, 2R. 1120
Navy Estimates, 1202, 1236

Mackenzie, Mr. W. F., *Peebles-shire*
Compound Householders, 2R. Amend. 821, 825
Prosecutions, Expenses of, Leave, 827

Malmesbury, Earl of
Agricultural Distress, 803
Census, The—Population Act, 1309

Manners, Lord J. J. R., *Colchester*
Mercantile Marine Bill, 1166
Ministerial Crisis—Explanation, 1077

Marriages Bill,
l. 1R.* 155
2R. 896 [Content, 16, Not-Content, 50, M. 34] 995

Maule, Rt. Hon. Fox, *Perth*
Caledonian Railway, 2R. 1315
Ceylon, Affairs of, 1182
Ecclesiastical Titles Assumption, Leave, 690

Measor, Mr., Case of—Post Office,
l. Petition (Earl of St. Germans), 268

Mercantile Marine Bill,
c. Question (Lord J. Manners), 1166

Miles, Mr. P., *Bristol*
Sugar Duties (Belgium), 628

Miles, Mr. W., *Somersetshire, E.*
County Rates and Expenditure, 2R. 1278

Mills and Factories (Ireland) Bill,
c. 1R.* 276; 2R.* 703; Rep.* 840; 3R.* 873;
l. 1R.* 1064

Ministerial Crisis—Explanation,
l. 887, 996, 1064
c. 892, 1029, 1074

Minto, Earl of
Rome, Court of, Mission to, 156, 182, 184

Mitchell, Mr. T. A., *Bridport.*
Budget, The—Ways and Means, 759

Molesworth, Sir W., *Southwark*
Cape of Good Hope—Kaffir War, 1122

Money Votes—Sessional Orders,
c. Motion (Mr. Hume), 144, [A. 47, N. 116, M. 69] 146

Monteagle, Lord
Cape of Good Hope — Kaffir War, Address moved, 1093, 1097
New Brunswick and Canada Projected Railway, 613
Passengers Act Amendment, 2R. 1166
Transportation—Van Diemen's Land, 1086

Moore, Mr. G. H., *Mayo Co.*
Agricultural Distress, 580
Business of the House, 1319
Ecclesiastical Titles Assumption, Leave, 235, 265, 501
Ministerial Crisis—Explanation, 1083

Mount Cashell, Earl of
Arsenic, Sale of, Regulation, 2R. 1301; Com. 1305
Passengers Act Amendment Rep. *add. cl.* 1312

Mowatt, Mr. F., *Penryn and Falmouth*
Interment Bill, 1241

Muntz, Mr. G. F., *Birmingham*
Agricultural Distress, 603
Budget, The—Ways and Means, 760
Copper Miners in England Company, 2R. 1120
Ecclesiastical Titles Assumption, Leave, 696

Napier, Mr. J., *Dublin University*
Ecclesiastical Titles Assumption, Leave, 458

Navy Estimates—Supply,
c. 1183, Amend. (Mr. W. Williams), 1183; Motion neg. *ib.*;
Amend. (Mr. Hume), 1202, [A. 61, N. 169, M. 108] 1224;
Amend. (Col. Sibthorp), 1227, [*o. q.* A. 193, N. 34, M. 159] 1233;
Amend. (Mr. Hume), 1235, [A. 68, N. 127, M. 59] 1239
Report, 1267; Amend. (Mr. Hume), 1268; Motion neg. *ib.*

New Brunswick and Canada Projected Railway,
l. Petition (Lord Monteagle), 613

Newdegate, Mr. C. N., *Warwickshire, N.*
Budget, The—Ways and Means, 755, 768
Caledonian Railway, 2R. 1314
Ecclesiastical Titles Assumption, 2R. 1152
Ministerial Crisis—Explanation, 1056, 1084

New Forest, The,
c. Question (Hon. G. Berkeley), 137

Nicholls, Mr., late Secretary to the Poor Law Board,
l. Question (Earl Fortescue), 158

Norwich, Bishop of
*Marriages, 2R. 957

O'Connell, Mr. J., *Limerick City*
Address in Answer to the Speech, 84
Dungarvan, New Writ for, 136
Ecclesiastical Titles Assumption, Leave, 218, 226
Ministerial Crisis—Explanation, 1053

O'Connell, Mr. M., *Tralee*
Jesuits, Address moved, Amend. Adj. 612

O'Connell, Mr. M. J., *Kerry Co.*
Dungarvan, New Writ for, 135
Ecclesiastical Titles Assumption, Leave, 262

O'Connor, Mr. F., *Nottingham*
Business of the House, 1320
Ecclesiastical Titles Assumption, Leave, 699

Offences, Prevention of, Bill,
l. 1R.* 887;
2R. 1310

Orange Addresses,
c. Question (Captain Archdall), 1180

Osborne, Mr. R. B., *Middlesex*
Ministerial Crisis—Explanation, 1055, 1076

Ossory, Bishop of
Marriages, 2R. 982

Oswald, Mr. A., *Ayrshire*
Ecclesiastical Titles Assumption, Leave, 494*
Ministerial Crisis—Explanation, 1081

Outlawries Bill,
c. 1R.* 52

Oyster Fishery, Channel,
l. Question (Earl of Wicklow), 1302

Packe, Mr. C. W., *Leicestershire, S.*
Prosecutions, Expenses of, 2R. 1293

Pakington, Sir J. S., *Droitwich,*
County Rates and Expenditure, 2R. Amend. 1270, 1292

Palmer, Mr. Robert, *Berkshire*
County Rates and Expenditure ,2R. 1289

Palmer, Mr. Roundell, *Plymouth*
Ecclesiastical Titles Assumption, 2R. 1347

Palmerston, Viscount, *Tiverton*
Address in Answer to the Speech, Report, 154
Danubian Provinces, The, 1317
Hungarian Refugees, 886, 1317
San Salvador Blockade of, 277

Papal Aggression—Ecclesiastical Titles,
l. Petition (Lord Abinger), 365; (Earl of Roden), 1065; (Earl Fitzwilliam), 1239
c. Leave, 187; Adj. Debate, 279; Amend. Adj. (Mr. P. Howard), 360, [A. 59, N. 364, M. 305] 361, 451, 629, [A. 395, N. 63, M. 332] 699;—see *Ecclesiastical Titles Assumption Bill*

Parliament, Opening of,
l. 1; Address in Answer to the Speech, 5; Her Majesty's Reply, 179
c. 52; Address in Answer to the Speech, 52; Report, 149; Her Majesty's Reply, 184

Partnership, Law of,
c. Comm. moved for, (Mr. Slaney) 842

Passengers Act Amendment Bill,
c. 1R.* 184;
2R. 768;
Com. 872; 3R.* 1029
l. 1R.* 1064; 2R. 1163;
Com. 1301;
Rep. *add. cl.* (Earl of Mount Cashell) 1312; *cl.* neg. *ib.*

Patten, Mr. J. W., *Lancashire, N.*
Business, Private—Counsel to the Speaker, Comm. moved for, 185
Caledonian Railway, 2R. 1315
County Rates and Expenditure, 2R. 1284
South Staffordshire Railway Extension, 2R. 504
Water Bills, Metropolis, 841

Pechell, Sir G. R., *Brighton*
Navy Estimates, 1236, 1238

Peel, Sir R., *Tamworth*
Ecclesiastical Titles Assumption, 2R. 1374

Peel, Mr. F., *Leominster*
Ecclesiastical Titles Assumption, Leave, 647

Pelham, Hon. Capt. D. A., *Boston*
County Rates and Expenditure, 2R. 1288

Petitions, Rule for—The Window Tax,
c. Observations (Mr. Speaker), 820;—Explanation (Viscount Duncan), 842

Peto, Mr. S. M., *Norwich*
Address in Answer to the Speech, 56

Places and Appointments,
c. Return moved for (Mr. W. Williams), 1085

Plumptre, Mr. J. E., *Kent, E.*
Address in Answer to the Speech, 97
Business of the House, 1318
Ecclesiastical Titles Assumption, 2R. 1159
Navy Estimates, 1222, 1236

Plowden, Mr. W. H. C., *Newport (Isle of Wight)*
St. Andrew's Church, Marylebone, 884

Police Metropolis Bill,
c. 1R.* 840

Poor Laws,
c. Comm. moved for (Mr. P. Scrope), 816; House counted out, 819

Post Office—Money Order Department,
l. Petition (Earl of St. Germans), 268

Prerogative Court (Ireland) Bill,
c. 1R.* 626

Prosecutions, Expenses of, Bill,
c. Leave, 825; 1R.* 829; 2R. 1293

Public Houses (Scotland) Bill,
l. 1R.* 772

QUEEN'S SPEECH, THE,
l. 2; Address moved, 5; Her Majesty's Reply, 179
c. Address moved, 52; Report; Her Majesty's Reply, 184

Railway Accounts, Audit of, Bill,
c. 1R.* 1166

RAWDON, Lieut. Col. J. D., *Armagh City*
Apprentices and Servants, 2R. 1299

REDESDALE, Lord
Census, The—Population Act, 1310
Committees, Chairman of, 51
Passengers Act Amendment, 2R. 1164

Religious Houses Bill,
c. 1R.* 1241

REYNOLDS, Mr. J., *Dublin City*
Ecclesiastical Titles Assumption, Leave, 265, 279; 2R. 1332
Late Sittings, 148
Lord Lieutenancy of Ireland, 136
Ministerial Crisis—Explanation, 1078
St. Andrew's Church, Marylebone, 882

RICE, Mr. E. R., *Dover,*
County Rates and Expenditure, 2R. 1283

RICHMOND, Duke of
Address in Answer to the Speech, 30
Agricultural Distress, 792
Committees, Chairman of, 50

ROCHE, Mr. E. B., *Cork City*
Ecclesiastical Titles Assumption, Leave, 231, 360; Amend. Adj. 361

RODEN, Earl of
Address in Answer to the Speech, 46
Papal Aggression—Ecclesiastical Titles, 1065

ROEBUCK, Mr. J. A., *Sheffield*
Address in Answer to the Speech, 68
Dungarvan, New Writ for, 134, 135
Ecclesiastical Titles Assumption, Leave, 211
Ministerial Crisis—Explanation, 895

Roman Catholic Relief,
c. Leave, 362, [A. 35, N. 175, M. 140] 363

Rome, Court of—Lord Minto's Mission,
l. Question (Earl Fitzwilliam), 155; Observations (Lord Stanley), 179

ROMILLY, Sir J., *see* ATTORNEY GENERAL

RUSSELL, Rt. Hon. Lord J., *London*
Address in Answer to the Speech, 114
Addresses to Her Majesty, 161, 165, 166, 170
Agricultural Distress, 391, 450, 582
Budget, The—Ways and Means, 739, 887
Business, Public, 1122, 1318, 1319, 1320, 1322
Cape of Good Hope—Kaffir War, 1121, 1167, 1174, 1176
Chancery, Court of, 507
Compound Householders, 2R. 822
Count Out, The, 1322
County Franchise, Leave, 857
County Rates and Expenditure, 2R. 1290
*Ecclesiastical Titles Assumption, Leave, 187, 211, 265, 360, 361, 472, 493, 497; 2R. 1146, 1147
Franchise, Extension of the, 373, 875
House Tax, The Proposed—The Franchise, 875
Jewish Disabilities, 161
Law Courts (Ireland), 508
Ley, John Henry, Res. 138, 142
Lord Lieutenancy of Ireland, 136
Ministerial Crisis — Explanation, 892, 895, 1029, 1042, 1062, 1074, 1076, 1081
Places and Appointments, Return moved for, 1005
St. Andrew's Church, Marylebone, 879

SADLEIR, Mr. J., *Carlow Borough*
Ecclesiastical Titles Assumption, Leave, 667
Ministerial Crisis—Explanation, 1084
Valuation (Ireland), Leave, 772

St. Andrew's Church, Marylebone,
c. Question (Sir B. Hall), 875

ST. DAVID'S, Bishop of
Marriages, 2R. 951

ST. GERMANS, Earl of
Marriages, 2R. 896, 927, 929, 992
Ministerial Crisis—Explanation, 889
Nicholls, Mr., late Secretary to the Poor Law Board, 161
Post Office—Money Order Department, 268, 275

Salmon Brood (Ireland), Bill,
c. 1R.* 626

SANDARS, Mr. G., *Wakefield*
Agricultural Distress, 444
Agriculture, Statistics of, 816
Budget, The—Ways and Means, 762

San Salvador, Blockade of,
c. Question (Mr. T. Baring), 277

Select Vestries Bill,
l. 1R. 1

SCHOLEFIELD, Mr. W., *Birmingham*
Ecclesiastical Titles Assumption, Leave, 699
Ministerial Crisis—Explanation, 1063

Scotland,
Bishops—Ecclesiastical Titles, c. Observations, (Sir G. Grey), 1315
Aberdeen Public Record, see *Aberdeen Public Record Bill*
Caledonian Railway, see *Caledonian Railway Bill*
Public Houses, see *Public Houses (Scotland) Bill*

SCROPE, Mr. G. P., *Stroud*
Limerick Workhouse, 627
Poor Law, Comm. moved for, 816

SCULLY, Mr. F., *Tipperary*
Ecclesiastical Titles Assumption, Leave, 694

Sessional Orders—Money Votes,
c. Motion (Mr. Hume), 144, [A. 47, N. 116, M. 69] 146

Sewers, Metropolitan Commission of,
c. Question (Sir B. Hall), 1178

SEYMOUR, Lord, *Totness*
New Forest, The, 137
Woods and Forests, Amend. 1256

Shaftesbury, Earl of
l. Address moved (Marquess of Lansdowne), 266

SIBTHORP, Col. C. D. W., *Lincoln*
Address in Answer to the Speech, 105
Agricultural Distress, 450
Budget, The—Ways and Means, 759
Ecclesiastical Titles Assumption, Leave, 696; 2R. 1161
Ministerial Crisis—Explanation, 1057
Navy Estimates, Amend. 1226, 1231, 1233

SIDNEY, Mr. Ald. T., *Stafford*
Budget, The—Ways and Means, 746
Ministerial Crisis—Explanation, 1063
Prosecutions, Expenses of, 2R. 1293

SLANEY, Mr. R. A., *Shrewsbury*
Budget, The—Ways and Means, 747
Ministerial Crisis—Explanation, 1064
Partnership, Law of, Comm. moved for, 842

SMITH, Rt. Hon. R. V., *Northampton*
Business, Private — Counsel to the Speaker, Comm. moved for, 186
Cape of Good Hope—Kaffir War, 1174
Water Bills, Metropolis, 841

SMITH, Mr. J. B., *Stirling*
Caledonian Railway, 2R. 1313

Smithfield Enlargement Bill,
c. 1R.* 1029

Smithfield Market Removal Bill,
c. Leave, 829; 1R.* 834

SOMERVILLE, Rt. Hon. Sir W. M., *Drogheda*
Limerick Workhouse, 627
Valuation (Ireland), Leave, 771, 772

South Staffordshire Railway Extension Bill,
c. 1R.* 161; 2R. 503

SPEAKER, The, (Rt. Hon. C. S. LEFEVRE), *Hampshire, N.*
Ceylon Committee, Evidence before, 373
Jesuits, Address moved, 611
Petitions, Rule for—The Window Tax, 820

SPOONER, Mr. R., *Warwickshire, N.*
Compound Householders, 2R. 822
Copper Miners in England Company, 2R. Amend. 1119
County Rates and Expenditure, 2R. 1287
Ecclesiastical Titles Assumption, Leave, 481
Late Sittings, 148
Ministerial Crisis—Explanation, 1059
Sessional Orders—Money Votes, 145
South Staffordshire Railway Extension, 2R. 504

STAFFORD, Mr. A. S. O., *Northamptonshire, N.*
Smithfield Market Removal, Leave, 833

STANFORD, Mr. J. F., *Reading*
Ecclesiastical Titles Assumption, 2R. 1154
Exhibition of 1851—Police Force, 278

STANLEY, Lord
Address in Answer to the Speech, 16
Cape of Good Hope — Kaffir War, Address moved, 1096
Census, The—Population Act, Address moved, 1305, 1310
Chancery, Court of, 839
Committees, Chairman of, 48
Ministerial Crisis — Explanation, 888, 1003, 1028
New Brunswick and Canada Projected Railway, 617, 625
Papal Aggression—Ecclesiastical Titles, 1074
Rome, Court of—Lord Minto's Mission, 179, 183
Shaftesbury, Earl of, Address moved, 267

Steamboats, Overcrowding of—Irish Paupers,
c. Question (Mr. B. Cochrane), 1176

STRADBROKE, Earl of
Agricultural Distress, 801

Stuart, Lord D. C., *Marylebone*
Address in Annswer to the Speech, Report, 149
Budget, The—Ways and Means, 753
Hungarian Refugees, 885
Sunday Trading Prevention, Leave, 450

Stuart, Mr. J., *Newark*
Chancery, Court of, 507
Ecclesiastical Titles Assumption, 2R. 1137
Vice-Chancellor, Appointment of a, 2R. 1162

Sugar Duties (Belgium),
c. Question (Mr. P. Miles), 628

Sunday Trading Prevention Bill,
c. Leave, 450, [A. 70, N. 19, M. 51] *ib.*; 1R.* *ib.*

Supply, c.
Exchequer Bills, 450
Navy Estimates, 1183, Amend. (Mr. W. Williams), 1185; Motion neg. *ib.*;
Amend. (Mr. Hume), 1202, [A. 61, N. 169, M. 108] 1224;
Amend. (Col. Sibthorp), 1227, [*o. q.* A. 193, N. 34, M. 159] 1233
Amend. (Mr. Hume), 1235, [A. 68, N. 127, M. 59] 1239
Report, 1267; Amend. (Mr. Hume), 1268; Motion neg. *ib.*

Talbot, Miss, Case of,
c. Petition (Sir R. H. Inglis), 1323

Thompson, Lieut. Col. T. P., *Bradford*
Ecclesiastical Titles Assumption, Leave, 487
Navy Estimates, 1222, 1224

Thornely, Mr. T., *Wolverhampton*
Passengers Act Amendment, Com. 872

Transportation of Convicts—Van Diemen's Land,
l. Petition (Lord Monteagle), 1086

Trelawny, Mr. J. S., *Tavistock*
Jesuits, Address moved, 609

Truro, Lord *see* Chancellor, The Lord

Tyrell, Sir J. T., *Essex, N.*
Budget, The—Ways and Means, 744

United Church of England and Ireland Bill,
c. 1R.* 892

Urquhart, Mr. D., *Stafford*
Danubian Provinces, The, 1317
Hungarian Refugees, 1317

Vagrancy,
c. Question (Mr. Bankes), 874

Valuation (Ireland) Bill,
c. Leave, 771; 1R.* 772; 2R.* 1166

Van Diemen's Land—Transportation,
l. Petition (Lord Monteagle), 1086

Verney, Sir H., *Bedford*
County Rates and Expenditure, 2R. 1286

Vice-Chancellor, Appointment of a, Bill,
l. 1R.* 873; 2R. 890; 3R.* 996
c. 1R.* 1074; 2R. 1162

Wakley, Mr. T., *Finsbury*
Barham Workhouse, Riot in, 507
Budget, The—Ways and Means, 768
Ministerial Crisis—Explanation, 1060, 1081, 1083
Window Tax—Rules for Petitions, 820

Wall, Mr. C. B., *Salisbury*
Ecclesiastical Titles Assumption, Leave, 659
Sunday Trading Prevention, Leave, Amend. 450

Walmsley, Sir J., *Bolton*
Franchise, Extension of the, 373

Walpole, Mr. S. H., *Midhurst*
Jesuits, Address moved, 610

Water Bills, Metropolis,
c. Instruction (Rt. Hon. Sir G. Grey), 840

Ways and Means—The Budget,
c. 703, 887, 892

Wellington, Duke of
Committees, Chairman of, 50

Westminster, Marquess of
Address in Answer to the Speech—Her Majesty's Reply, 179

Wicklow, Earl of
Channel Oyster Fishery, 1302, 1304

Williams, Mr. W., *Lambeth*
Budget, The—Ways and Means, 745
Business of the House, 1321
Navy Estimates, Amend. 1183, 1187, 1226, 1227
Places and Appointments, Return moved for, 1085
Sessional Orders—Money Votes, 146
Sunday Trading Prevention, Leave, 450

Willoughby, Sir H. P., *Evesham*
Late Sittings, 148
Petitions, Rules for, 842
Woods and Forests, 1264

Winchilsea, Earl of
Address in Answer to the Speech, 33
Agricultural Distress, 802

Window Tax—Rule for Petitions,
c. Observations (Mr. Speaker), 820;—Explanation (Viscount Duncan), 842

Wodehouse, Lord
Agricultural Distress, 797
Cape of Good Hope, 156
Passengers Act Amendment, 2R. 1164

WODEHOUSE, Mr. E., *Norfolk, E.*
County Rates and Expenditure, 2R. 1283

WOOD, Rt. Hon. Sir C., *see* CHANCELLOR OF THE EXCHEQUER

WOOD, Mr. W. P., *Oxford*
Ecclesiastical Titles Assumption, Leave, 322; 2R. 1387
Jewish Disabilities, 161

Woods and Forests,
c. Motion (Viscount Duncan), 1242; Amend. (Lord Seymour), 1262, [o. q. A. 120, N. 119, M. 1] 1265

WORTLEY, Rt. Hon. J. S., *Buteshire*
Prosecutions, Expenses of, 828
Smithfield Market Removal, Leave, 834

WYLD, Mr. J., *Bodmin*
Ministerial Crisis—Explanation, 1060

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